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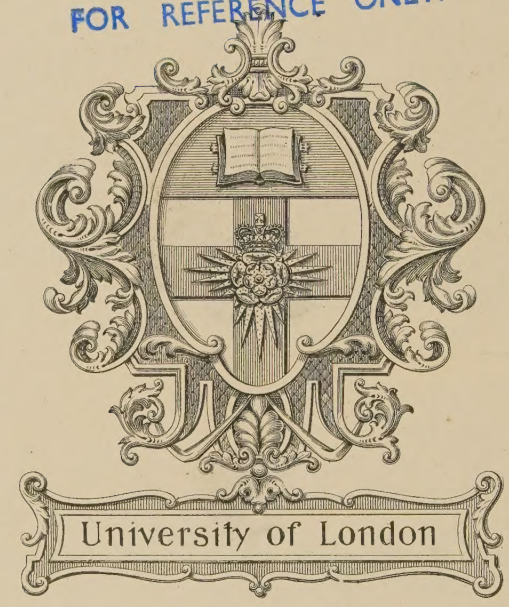

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Contents

Reports — Page

1845 of Comrs. on Petitions for Private Bills ("Midland Railway branches") — 1

" " " Howard v Gosset — 163

" " " do. do. & 2nd R. "Printed Papers" — 15

" " " Library of the House — 183

Returns &c.

1842 Resolutions - Private bills — 191

" Lists for Comees do — 193

" Report of Comrs. - Members' evidence — 205

" Return of days &c. of sitting) — 209. 211

1843 Resolns. Private bills — 213

" Statement of Divisions — 215

" Lists for Comees on Private bills — 227

" Return of days &c. of sitting — 239

1844 Resolutions - Private bills — 241

" Lists for Comees do. — 243

" Returns. Printed Papers & Prosecutns for Libel — 255

" " do. do. — 259

18" " Sittings, Divisions, Bills &c — 273

1845 Resolutions - Private bills — 341. 353

" Lists for Comees do. — 343

"

" Copies in "Howard v Gosset" Arguments & judgt - Warrant & Record — 357 &c.

REPORT

FROM THE

SELECT COMMITTEE

ON

PETITIONS FOR PRIVATE BILLS.

Midland Railway Branches Bill.

Ordered, by The House of Commons, *to be Printed,*
16 *April* 1845.

Under 2 oz.

Mercurii, 16° *die Aprilis*, 1845.

Ordered, That the Select Committee on Petitions for Private Bills have Power to Report the Minutes of the Evidence taken before them on the Re-committed Report in relation to the Midland Railway Branches Bill.

THE REPORT - - - - - - - - - - - - p. 3

MINUTES OF EVIDENCE - - - - - - - - - p. 4

LIST OF WITNESSES.

Martis, 15° *die Aprilis*, 1845.

John St. George Burke, Esq. - - - - - - - p. 4
Rowland Jones Venables, Esq. - - - - - - - p. 6
Charles Parker, Esq. - - - - - - - - p. 7
George Hudson, Esq. - - - - - - - - p. 10

REPORT.

SIR JOHN YARDE BULLER Reported from the Select Committee on Petitions for Private Bills, to whom the Report from the said Committee in the case of the Midland Railway Branches Bill, informing The House that "the Standing Orders had not been complied with, inasmuch as a Clause (No. 15 in the said Bill), confers Power to take Lands by compulsion, and to make several Branch Railways, which intention was not specified in the Notices; and such Clause gives this Power to individuals whose Estates contain Minerals lying within Five Miles of the Main Line of the said Midland Railways, and not to the said Company," was referred back to the Committee, and who were instructed by The House "to ascertain by whom and under what circumstances the said violation of the Standing Orders was committed, and to Report the same to The House;" that they had considered the matter referred to them, and agreed to the following REPORT:

THAT it appeared to the Committee that Mr. John St. George Burke, the Parliamentary Agent, was the person who introduced the Clause (No. 15) into the Bill; that it was stated by Mr. Parker, the solicitor to the Company, that he had pressed for the introduction of the said Clause, upon which Mr. Burke expressed his conviction that it would not pass The House; and although Mr. Burke now admits that the insertion of this Clause is a violation of the Standing Orders, it did not occur to him that it was so when he introduced it.

That Mr. Parker urged upon Mr. Burke the admission of this Clause, being pressed to do so by Mr. George Stephenson, a Shareholder in the Midland Branches Railway Company, and an extensive Lessee of Mineral Fields, within Five Miles of the Line; Mr. Parker at the time declaring that he thought the Clause would not receive the sanction of Parliament.

That while the Committee acquit Mr. Burke of an intention to introduce surreptitiously a Clause into the Bill, they are of opinion that he has been guilty of negligence in admitting the Clause without taking into consideration whether it was in conformity with the Notices for the Bill given as required by the Standing Orders of The House.

MINUTES OF EVIDENCE.

Martis, 15° *die Aprilis*, 1845.

SIR JOHN YARDE BULLER, Bart. in the Chair.

15 April 1845.

The following extract from the Votes of the 14th instant was read:—"Midland Railway Branches Bill. Sir John Yarde Buller reported from the Select Committee on Petitions for Private Bills, that in the case of the Midland Railway Branches Bill the Standing Orders had not been complied with, inasmuch as a clause (No. 15 in the said Bill) confers power to take lands by compulsion, and to make several branch railways, which intention was not specified in the notices; and such clause gives this power to individuals whose estates contain minerals lying within five miles of the main line of the said Midland Railways, and not to the said Company. Report referred back to the said Committee. Instruction to the Committee to ascertain by whom and under what circumstances the said violation of the Standing Orders was committed, and to report the same to The House."

John St. George Burke, Esq. called in; and Examined.

John St. George Burke, Esq.

1. IS there a clause, numbered 15, in the Midland Railway Branches Bill, which is not in accordance with the Standing Orders and with the notices which you gave for the Bill?—It was so decided by this Committee yesterday.

2. How did that clause get into the Bill?—The clause was brought to me after the Bill had been prepared by me, by the solicitor for the Bill, and submitted to me in the usual manner. Upon looking at that clause I saw that it was a clause not usual to be passed, and I stated my impression to the solicitor that the clause would not be passed. I was perfectly aware that such a clause had passed in many previous Acts, but it was not at all likely, under modern practice, that such a clause would pass; and I expressed to him my opinion to that effect, and my advice that the clause should not be placed in the Act. The gentleman who instructed me is a gentleman of much experience and practice, as I am myself, and was equally aware that the clause was one which there would be very little chance of passing. He stated to me that the clause had been pressed upon him against his will by parties living adjoining the Midland Counties Railway; he did not state the names of the parties, but that they were parties whom he was extremely desirous of obliging, to whom he had stated his own impression that the clause would not pass; that those parties had told him that a similar clause was in existence, and was being acted upon under the Cromford Canal Act, and that they thought if we submitted it to Parliament, Parliament might perhaps pass it; that he then stated to those parties his own impression that that would not be the case; nevertheless, that he, being desirous to show them that on his part he was ready to do what he could, stated that he would put the clause in the Bill, and that Parliament would deal with it as they thought fit: he gave me instructions accordingly to put the clause in the Bill, and it was so put in.

3. Who is the solicitor for the Bill that instructed you?—Mr. Parker, the solicitor for the London and Birmingham Railway, and for the Midland Counties Railway, and many others.

4. Where does he live?—In Lincoln's-Inn-Fields.

5. Is Mr. Parker here?—He is.

6. Is that all that you know about this matter?—That is all I know about the matter,

John St. George Burke, Esq.

15 April 1845.

matter, except what has subsequently taken place; I am only here, I presume, to answer any questions which may be put to me.

7. If there is any statement which you would wish to make, the Committee are quite ready to hear it?—I would simply express, on my own behalf, and the behalf of those for whom I act, considerable regret at the existence of such a clause having created so much observation. I certainly should not conceive, in advising upon the insertion or non-insertion of clauses, that I could be absosolutely responsible to The House, or to any other persons, for those clauses, whether right or wrong. It is in the discretion of Parliament, after those clauses are in, to deal with them as they think fit; and it happens that, in a great proportion of the Bills which I am instructed to pass, I should give my own individual opinion against clauses which, nevertheless, are insisted upon being inserted, and are inserted, and Parliament deals with them afterwards; if they are objectionable clauses, they are struck out. I never expected, in my own mind, that this clause would last for five minutes. I knew that when it came before Lord Shaftesbury, he would instruct me to strike it out; but I never thought I was infringing any rule of practice in the introduction of that clause. I am quite willing to admit the fact that it was an oversight on my own part, not to advise my client at the time that there were Standing Orders applicable to the clause: at the same time, that clause is of a very general character; it is not of a specific character, specifying a particular line of railway to be made; if it had been so, I should at once have said, "You must have a plan of this line, and give notice of it, and you must apply to the landowners;" but it was a general clause, a clause in respect of which it would have been impossible to state the parishes and townships in which the particular line should be made. No particular line was defined; it would have been impossible to have had a plan and section of such a line as this, or to apply to particular landowners, inasmuch as no particular line was defined. I state that fact, in order to show that the clause itself, upon the first blush of the thing, is one which probably would not induce many persons to say that the Standing Orders were concerned; but I would not condescend, for a moment, to state what I did not think to be the fact. I think the Standing Orders do apply to it; I do not deny it for a moment; but I state that it did not occur to me at the moment that it was a Standing Order clause, nor to the gentleman who instructs me, who has as much experience as myself; and from that time afterwards it never did occur to either of us. It found its way into the Bill as I have stated, and, having been in the Bill, it never occurred to me afterwards; and when I state that I have at this moment nearly 100 Bills under my charge, it may be something in exculpation of one casual flaw. One's time is so constantly occupied with Bills coming before these Committees and others, these petitions being the subject of inquiry here every day, that one error might creep in; and that only one error should have crept in in this Bill may be considered as some extenuation on my part. At the same time, I am extremely reluctant to occupy the time of the Committee with any observations about myself; but, inasmuch as terms have been used, that the clause has been surreptitiously introduced, I think I may appeal to the character which I have held for some years, in order to remove any such imputation.

8. Were you much pressed to put in this clause, contrary to your own judgment?—So far as I can recollect the interview, Mr. Parker called upon me, at the time the Bill was going to press, with this clause after the Bill had been drawn by myself. I stated my opinion strongly about it; I told him the clause was an absurdity (I used quite as strong language as that); that it was nonsense to think of such a clause passing in the present day; and Mr. Parker concurred with me. There was no difference of opinion about it; he said, "I am just as strongly of opinion as you are, but what can I do? I am pressed by my clients to put it in, and I put it in to please them; I do not expect to pass it."

9. Were you aware at the time that it was not in accordance with the Standing Orders?—I have no doubt that, if I had sat down to consider the question whether there were Standing Orders applicable to it or not, I should have found that there were; I do not deny the fact, and there I admit I was guilty of negligence. I did not consider it for a moment; I dealt with the clause as one not at all likely to pass; it never occurred to me that it was a clause in reference to which a Standing Order objection could arise. Let me ask the Committee what

John St. George Burke, Esq.

15 April 1845.

earthly object could I have in advising the introduction of a clause contrary to the Standing Orders? Is it likely that I would risk my reputation, or the interests of my clients, by advising the introduction of a clause contrary to the Standing Orders?

10. When you put that clause into the Bill, did you consider it to be contrary to the notices?—I did not go into the Standing Order question at all. The Committee are aware that it is stated in the language in which this is referred to the Committee that this clause is not within the title of the Bill. Now, is it not the fact that every Bill brought before The House contains clauses not within the title of the Bill? It is the case with almost every Bill. The Model Act has a clause enabling landowners to make branch railways; that is not in the title of the Bill.

11. Were you at all aware of the object of the parties in pressing you to put this clause in?—I was not at all, and did not know the parties. The object of the parties must be manifest; they are mineral owners living close to the line of railway, and anxious to get access to the line of railway from their mineral fields. I may state, as a curious corroboration of the fact, that this is not unusual; and that only yesterday I had a letter from the agent of two noble lords in the neighbourhood of this line, asking me to endeavour to get a similar clause into the Erewash Valley Railway Bill.

12. When did this conversation pass between Mr. Parker and yourself?—After the Bill had been drawn in my office; it was in manuscript. I recurred to the facts this morning. The clause was brought to me ready drawn; it was cut out of the Cromford Canal Act, and put into my hands, and it bears it upon the face of it in the Bill; it states it in the margin.

13. Was that subsequently to the time of the notices being issued?—Yes, a month after the meeting of Parliament.

14. Did you tell us yesterday that the chairman of this Midland Railway Branches Company was not aware of the insertion of that clause?—I was not aware of that at the time, but since the notice which it excited, Mr. Hudson was extremely annoyed to find his Bill the subject of conversation in The House, and stated to me that fact, and I felt it an act of justice to state the same thing.

15. Had you no communication upon the subject with anybody but the solicitor?—No, I never have; it is not my duty to have. I never take any instructions from any one but the solicitor.

16. You are not aware whether this clause was introduced to buy off the opposition of any parties?—I have heard the circumstances since, but I knew nothing about it; not one atom. I have heard since all the circumstances; but I am not the first witness as to that.

17. Did you use to Mr. Parker, the solicitor, after he had pressed you for the insertion of the clause, the words, "Very well; we will chance it"?—Not that I am aware of. I should be very sorry to tax my memory with what I did say, or what I did not say. I do not know that I ever made use of the term.

18. You are understood to say that that expression was not used by you, or in conversation with you at the time, so far as you recollect?—So far as I recollect, it was not. I should be very sorry to tell the Committee that any words were used, or that they were not. It has occupied so little of my attention since that, I do not know the precise expressions used. I state the general feeling of my mind of what the fact is, namely, that I tried what I could by argument to show that the introduction of the clause was useless; that argument was not necessarily long, for the party with whom I was arguing felt it as strongly as myself; but nevertheless the clause was introduced, and without the remotest intention of doing that which was improper, or a thought that it was improper.

Rowland Jones Venables, Esq. called in; and Examined.

R. J. Venables, Esq.

19. WILL you state to us what took place before the Sub-committee, No. 1, with respect to this Bill?—I attended that Committee, and gave the usual formal proofs; but I cannot call to recollection whether Mr. Strutt, who was the chairman of that Committee, asked whether there was anything improper in the Bill or not, and I certainly did not draw his attention to the clause.

20. Were

R. J. Venables, Esq.

15 April 1845.

20. Were you aware of the clause at the time?—I was not. I knew nothing about the clause until after there was a discussion raised; till after it was mentioned, I believe, by Mr. Strutt to Mr. Parker. I individually did not even know there was such a clause in the Bill.

21. Did Mr. Strutt call your attention to the clause in the Committee-room?—I do not recollect that he did.

22. He did not say to you with reference to the clause, "This clause merely contains the usual powers for making branches"?—I do not recollect that he did.

23. Was the Bill put into your hands merely for the purpose of going before the Committee to prove the Standing Orders as an unopposed case?—It was. Our practice is, in the course of the morning, to apportion our business between my partners and myself. One goes to one Committee, and one to another, and it fell to my lot that day to take this particular Bill, having other Bills before Mr. Strutt that day, which were unopposed. Mr. Burke, I think, was attending an opposed Committee. Mr. Burke may have been attending an opposed or unopposed Committee. I attended all the Bills that day belonging to Mr. Strutt's Committee, and went through all the proofs with respect to each.

24. Do you think it necessarily incumbent upon you individually to look over the clauses of the Bill?—Of course we are expected to know the contents of the Bill; but as this Bill was drawn by my partner, Mr. Burke, and put into my hands, and nothing was said to me, my impression was, that there was nothing improper in the Bill, or else I am sure he would have drawn my attention to it; or if it had contained anything very special, he would most likely have taken the case himself.

25. Had you anything to do with the drawing of the clauses of the Bill, or the arrangement of them, previously to its going into Committee?—Not with drawing the clauses; and I do not think I had anything to do with the arrangement of them.

26. Had you any consultation with any one with regard to this particular clause?—I had not; I was not aware of the existence of the clause until after the discussion arose in The House, within the last week or ten days. I think Mr. Strutt had spoken to Mr. Parker or Mr. Burke upon the subject of the clause, and Mr. Parker was in our chambers one morning, and I asked him what clause it was, and he pointed out the clause to me and I read it.

27. That was since going before the Committee?—Yes.

28. Previously to going before the Committee you had not been consulted as to the propriety or impropriety of inserting that clause?—I had not.

29. You did not know of its existence till lately?—No.

30. Even if Mr. Strutt had asked you the question whether the Bill contained any clause which was inconsistent with the Standing Orders, your answer would have been, that it did not?—Most certainly.

Charles Parker, Esq., called in; and Examined.

C. Parker, Esq.

31. WHAT are you?—A Solicitor.

32. Do you practise as a Parliamentary agent?—No, I do not.

33. Did you draw the Bill for the Midland Railway Branches?—No, I did not draw the Bill myself.

34. Did you prepare the outline of the Bill?—I do not think I did; I am pretty certain I did not; the Bill was prepared originally in Mr. Burke's office, I think, and sent to me, but it did not contain that clause in it.

35. Did you act as solicitor of the company for the Midland Railway Branches Bill?—I did.

36. Did you give instructions to Mr. Burke to draw the Bill generally?—Yes, generally.

37. And the Bill originally did not contain that clause?—It did not.

38. Will you be good enough to give us the history of the introduction of that clause?—The introduction of that clause was suggested to me by parties who had been very urgent upon me to try the insertion of that clause. I told them I had no idea that Parliament would entertain it. The clause was pointed out to me in the Cromford Canal Act, and I had that clause copied out of the Cromford Canal Act in my office.

C. Parker, Esq.

15 April 1845.

39. The parties told you the clause was in the Cromford Canal Act?—They did.

40. They drew your attention to that Act?—They did, particularly.

41. Who were those parties?—I will state the name if the Committee press that question; otherwise I would rather not; but it is known to Mr. Strutt who the parties are.

42. Unless you are violating any confidence between a professional man and his client, the Committee must have an answer. You know the ordinary rule of questioning an agent; that you are not bound to reveal anything as between agent and client?—I feel some difficulty in it on that ground.

43. Unless you can positively state it to be a violation of confidence in you as an agent, the Committee must have an answer?—Perhaps I had better say at once it was Mr. George Stephenson.

44. Who is Mr. George Stephenson?—He is a large mineral owner in the neighbourhood of Clay Cross.

45. Do you know anything about the getting up of this Bill, as to the parties who first proposed to have this Bill?—As to the parties who first proposed the Bill, the instructions I received with respect to the Bill came from Mr. Hudson. I did not attend to it very much in the country. The object of the Bill was, as I understood, to open out the mineral fields lying adjacent to the line of the Midland Railway, in Derbyshire.

46. Do you know anything of the difficulties that occurred in the way of getting the assents of parties through whose properties it was to pass?—I did not apply to any landowners myself; it was not done in my office, but I did not hear of any such difficulties.

47. You did not hear of anybody standing out and persisting that the railway should not go through his land?—I did not; I am not aware of that, certainly.

48. Is Mr. Stephenson one of the company?—Yes, he is a very large shareholder.

49. In the company?—Yes.

50. How far is the ground in which his minerals lie distant from the railway?—He has a good deal of ground lying off the railway, but not more than a mile or so; hardly that, in some cases.

51. Is there land belonging to other parties lying between Mr. Stephenson's ground and the railway?—Yes, there is.

52. Are those parties adverse to the railway?—I should mention that there was no particular line in view in the proposition of that clause, that I am aware of; I did not hear of any.

53. You must answer the question which has been put to you. Was the person whose ground intervened between Mr. Stephenson's ground and the line of the railway favourable or adverse to the line?—I feel a difficulty in answering the question because I do not know to what particular land the question applies; I do not wish to avoid the question at all. I am not aware of any parties being particularly opposed to it; indeed I do not know that any particular line was in view in stating that clause. It is quite obvious that the clause rode over the whole line, and that power was given to all landowners; it was not intended to be confined to any particular individual.

54. Does not it give a power to any gentleman at a distance of five miles to cross intervening lands by a tramroad, for the purpose of communicating with the railroad?—Certainly, it would do so.

55. And taking the land by compulsion?—It would do so.

56. Then the effect of the clause would be to give Mr. Stephenson the power of getting to the railroad through another person's land against his will, if he had an objection?—Yes; under the operation of the Cromford Canal Act, that is now being done by parties whose attention has been called to it.

57. When you urged this clause upon Mr. Burke, did you advert to the notices that had been given?—I did not; I had not the most remote idea that it was infringing the Standing Orders; I would never have allowed it for a moment if I had.

58. Mr. Burke did not state to you that it was an infringement of the Standing Orders?—He did not, most decidedly.

59. But you were of opinion that The House would not pass the clause when you allowed it to go into the Bill?—I certainly did not think they would; at the

the same time I thought it was a question for the Committee on the Bill. I had no conception it was any infringement of the Standing Orders.

60. You are the solicitor to the company?—I am.

61. And you receive your directions immediately from them?—Yes.

62. Were they aware of the introduction of this clause, or did you consent to it without consulting them upon the subject?—I did not consult Mr. Hudson at the time. As the Committee are aware, in the preparation of Railway Bills, a great deal is necessarily left to the discretion of the solicitor in refusing to insert clauses which he may consider inconsistent with the general purport of the bill. Mr. Hudson was at a distance from town at the time when this conversation took place with Mr. Burke, and I certainly had no specific instructions from him; but I consider that my general instructions, and the discretion vested in me, warranted me in inserting that clause, if I thought it right to do so.

63. In point of fact, the clause itself never went before the directors of the company?—No.

64. Are there many owners of minerals along that part of the railroad?—A great many.

65. Are they, many of them, in the same circumstances as Mr. Stephenson, with the lands of other people intervening between their fields and the line?—They must be. There are mineral fields for nearly 50 miles continuously.

66. It is a mineral country?—It is a mineral country.

67. Out of all those owners of minerals, was Mr. Stephenson the only one that applied to you to get this clause admitted into the Bill?—The only one.

68. Are you aware whether he acted solely for himself, or for other parties as well?—I am not aware. I do not think he acted for anybody but himself.

69. Is he Mr. George Stephenson, the engineer?—Yes, the elder Mr. Stephenson.

70. The brother of the celebrated engineer?—The father of Mr. Robert Stephenson.

71. Did Mr. Stephenson give you any reasons why he was anxious that this clause should be put into the Bill?—The reason was given, that he wanted to get his coals on to the line at different points. He has already branch railways communicating with the line, and he wanted others, but he had no particular case. There was no particular line mentioned to me decidedly, neither do I think he had any particular one in view. It was rather a desire that the company should get such a power in the Act.

72. Did he tell you he was likely to have any difficulty in negotiating with the parties whose land intervened between his coal-fields and the line of railway?—No, he did not.

73. When were his branch railways made, which you speak of?—They have been made, I think, for three or four years at least.

74. Were they made under a particular Act of Parliament?—No, they have been made with the consent of parties. One of them is almost entirely through his own land, the one at Clay Cross. The other, at Crich, goes through the lands of several parties, and has been made by an agreement with the parties; but he had some difficulty, I should say, with some of those parties.

75. What parties?—On the railway to Crich.

76. He had on a former occasion experienced some difficulty in getting his railway?—Yes. He had paid the money to a party who afterwards turned out not to be the right person, at least there was a question upon the title, and he was threatened with proceedings, and I believe that was one of the main things that operated upon his mind; but he mentioned to me also that the Leicester and Swannington Bill gave a similar power, under which he had acted for his railways down in Leicestershire; those I know nothing about, but that he mentioned to me.

77. Was that the railway with respect to which he had met with this inconvenience?—No.

78. What railway was it as to which he had made the mistake?—The same Midland Railway, a branch from it.

79. Do you know whether this power was acquired under the Act, on giving notice, or whether it was introduced without notice, in the case of the Leicester and Swannington line?—I never had any conversation with him upon that; but I understand he had compulsory power under the Leicester and Swannington Act.

C. Parker, Esq.

15 April 1845.

80. Do you know in what year the Leicester and Swannington Act passed?—No, I do not; it must have been as many as 14 or 15 years ago. I know that the Leicester and Swannington line was in the course of construction when the London and Birmingham was before Parliament; I recollect calling evidence from that line.

81. You stated that Mr. Stephenson anticipated that he might have some difficulty with some of those landowners whose land lies between his minerals and the railway; are you at all aware whether he had any disagreement about the land with them?—He had some disagreement about the Crich line, which I mentioned.

82. The question refers to the present parties whose lands lie between his minerals, which you have just spoken of, and the railway?—No, I do not think he had.

83. You do not know it?—I do not; I do not think he had. I do not think he has projected any other branch, so far as to go to parties about it.

84. Do you know whether those parties are aware of the existence of this clause?—I do not know it of my own knowledge, certainly.

85. Mr. Stephenson did not state that he had given notice to those gentlemen privately?—No, certainly not; but, as I mentioned before, I am quite sure Mr. Stephenson had no particular properties in view.

86. Is Mr. Stephenson the owner of the soil, or is he only the owner of the minerals?—He has some land, but he has a very large tract of minerals independently.

87. Held on lease?—Yes. I think I may be allowed to express the great regret that I feel at having fallen into this error. I can only state that, in the last few months, it must be known to Honourable Members that we really have not had a fair chance in doing our business, on account of the pressure there has been upon us. I would observe that this is not the case of parties embarked in these lines for the first time, and called upon to protect existing interests; but this clause, I am free to admit, has not received the consideration it ought to have done upon this point; but I do assure the Committee, most solemnly, that I had not the most remote idea of bringing anything forward against the Orders of The House, and the Bill being printed, I thought that clause would go before them as effectually as it could do.

88. Are you extensively engaged in Railway Bills?—I am, very extensively; entirely for these lines. I have been connected with the London and Birmingham ever since it was introduced.

89. Still it never occurred to you that the introduction of this clause was against the Standing Orders?—It really did not, I assure you.

Mr. *Hudson* stated that, as chairman of the company, he had felt it his duty to attend the Committee, to answer any questions which they might be desirous of putting to him.

George Hudson, Esq., Examined.

G. Hudson, Esq.

90. DO you confirm what Mr. Burke has said as to your not having been aware of the introduction of this clause?—Most strongly.

91. When were you first aware of this clause being in the Bill?—My first attention was called to it on the Monday before the Bill was in The House.

92. After it had been before the Sub-Committee (No. 1)?—Yes. I was not at all aware of it. Having instructed Mr. Parker, who has acted for the company ever since it was formed, and Mr. Burke, and they having always conducted the business so extremely satisfactorily, and having deserved the confidence of the Board to such an extent that I should have thought it a useless task to examine into the Bills, I was not at all aware of the insertion of that clause, and can only express my regret at its having been introduced.

93. Is Mr. Stephenson a director of this company?—He is not.

94. Only a large shareholder?—Only a large shareholder.

95. Do you, as the chairman of the company, consider it an act of impropriety in Mr. Parker to take instructions from a shareholder, and to put a clause into the Bill without the knowledge of the directors?—I think it would have been better if Mr. Parker had consulted me in the matter: at the same time, clauses of that kind for landowners, not of so novel a character as this, are frequently inserted

inserted in the Bill, where there is nothing contrary to the purposes and intention of the Bill, without consultation with the directors. I should have felt that Mr. Parker had a perfect power to do it, so long as it was not contrary to the intention of the Bill.

96. In point of practice, clauses are introduced without the knowledge of the chairman and directors?—Very frequently. This is a small Bill, and the whole object of it is to open the coal-field to the Midland Railway; it comprises three or four small branches running up to the coal district, to the property of my Lord Fitzwilliam, and other large coalowners, and that is entirely the object of the Bill.

97. Certain branch railroads have been specified to effect that object?—Certainly.

98. And regular notices have been given with respect to those branches?—Yes.

99. (To Mr. *Parker*.) Do you know whether Mr. Stephenson has a lease of these minerals to himself alone, or is he one of a company that has taken these mines?—He has partners; it is not a company.—(Mr. *Hudson*.) I think it right to state that I am a partner with Mr. Stephenson, but I would state further that I take no part in the affairs.

100. You are a sleeping partner?—I am worse than a sleeping partner; I am a paying partner; but I was not at all aware of this clause. I ought to state to the Committee that Mr. Stephenson is a very persevering person, and I do think there is great apology for my two friends here, that they did for him what perhaps they would not have done for any other person. He felt quite sure the clause could be carried, and they thought they would not have treated him quite fairly if they had not attempted to carry it. I think it fair to state that if any other party had brought that clause, I do not think they would have attempted it. I state that as an apology for their putting in the clause.

101. In the formation of this line was there any person who was obstinate and unreasonable as to allowing the line to pass through his lands?—I am not aware of that.

102. You are not aware that there was any difficulty existing in the formation of the line?—I am not.—(Mr. *Parker*.) I probably know more of that than Mr. Hudson. With respect to the original formation of the railway, we had the greatest opposition from persons holding land, from one end of the line to the other. That Bill was passed in 1836.

103. In consequence of that, is it one of those gentlemen who keenly opposed you in the first instance, whose land intervenes between Mr. Stephenson's mineral fields and the line?—Not that I know of. I assure the Committee this clause did not aim at any particular individual or any particular parties, to my knowledge. I have no reason to think so at all.—(Mr. *Hudson*.) I might add that the line abounds with coal-fields all along, therefore it would be applicable to all. So far as Mr. Stephenson is concerned, another person would have power to get the minerals to the line to compete with him. I do not know why he wanted the clause at all.—(Mr. *Parker*.) There is no doubt Mr. Stephenson had considerable difficulty in getting the railway from Crich. There was considerable difficulty there.

104. That is the line where he paid the money to the wrong person?—Yes; that was one particular case. He had to deal there with 20 or 30 parties, and had considerable difficulty. He had to pay, in some cases, much more than he thought he ought to have done, and has always complained of it since.

105. Is the Bill opposed now?—Yes. The mineral branches are not opposed at present, that I know of; but there are two branches going up to Wakefield, against which there have been two petitions presented already.

106. You were not examined before the Sub-Committee?—I was not.

[Adjourned.

REPORT

FROM THE

SELECT COMMITTEE

ON

PETITIONS FOR PRIVATE BILLS.

Midland Railway Branches Bill.

Ordered, by The House of Commons, *to be Printed,*
16 *April* 1845.

222.

Under 2 oz.

FIRST REPORT

FROM

THE SELECT COMMITTEE

ON PROCEEDINGS

IN THE ACTION OF

HOWARD *v.* GOSSET.

THE SELECT COMMITTEE appointed to inquire into the Proceedings of the Action of HOWARD *v.* GOSSET, and to Report their Observations and Opinion thereon to The House;——HAVE agreed to the following REPORT:—

IN the course of the consideration which Your Committee has given to the subject referred to them, they have been apprised of proceedings in the progress of the Action, of which it is proper that The House should be informed without delay. The Plaintiff, on Tuesday last, executed his Writ of Inquiry, and his Damages were assessed by the Jury at 200*l.*; and upon the Judgment for that amount he will be enabled to levy his Execution on Monday, the 2d of June.

Your Committee will at an early period present a more detailed Report than they are at present prepared to make; but they feel it to be their duty to submit their opinion that it is advisable that a Writ of Error should be brought on the Judgment of the Court of Queen's Bench; and as the levying of the Plaintiff's Execution will in no respect prejudice the proceeding in the Writ of Error, Your Committee do not deem it expedient to advise The House to interpose to prevent the levy.

29 *May* 1845.

FIRST REPORT

FROM

THE SELECT COMMITTEE

ON PROCEEDINGS

IN THE ACTION OF

HOWARD *v.* GOSSET.

Ordered, by The House of Commons, *to be Printed,*
29 *May* 1845.

SECOND

REPORT

FROM THE

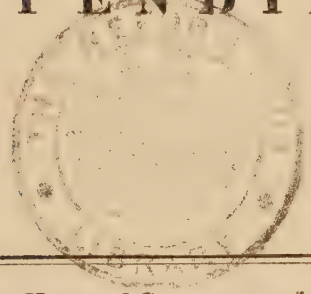
SELECT COMMITTEE

ON

PRINTED PAPERS;

TOGETHER WITH THE

APPENDIX.



Ordered, by The House of Commons, *to be Printed,*
20 *June* 1845.

Lunæ, 19° die Maii, 1845.

Ordered, THAT a Select Committee be appointed to inquire into the Proceedings of the Action of Howard *v.* Gosset, and to report their observations and opinion thereon to The House.

Martis, 20° die Maii, 1845.

Committee appointed:

Sir Robert Peel.
Mr. Williams Wynn.
Sir Thomas Wilde.
The Attorney-general of Ireland.
Mr. Labouchere
Sir Robert Inglis.
The Lord Advocate.
Mr. Chancellor of the Exchequer.
Mr. Bernal.
Lord Mahon.
Mr. Solicitor-general.
Sir George Grey.
Mr. D. Dundas.
Lord John Russell.
Mr. Warburton.

Mercurii, 21° die Maii, 1845.

Ordered, THAT Mr. Baring be discharged from further attendance; and that Mr. David Dundas be added to the Committee.

Veneris, 23° die Maii, 1845.

Ordered, THAT Mr. Pigot be discharged from further attendance; and that Mr. Labouchere be added to the Committee.

Jovis, 29° die Maii, 1845.

Ordered, THAT the Committee have power to Report from time to time.

REPORT - - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. x
APPENDIX - - - - - - - - - - - - - - - p. 1

SECOND REPORT.

THE SELECT COMMITTEE appointed to inquire into the Proceedings of the Action of *Howard* v. *Gosset*, and to Report their Observations and Opinions thereon to The House;——HAVE proceeded to the Consideration of the Matters to them referred, and have agreed to the following REPORT:

YOUR Committee, in the discharge of the duty imposed on them by The House, think it advisable, in the first place, to state the circumstances out of which the Action of Howard *v.* Gosset arose, and the proceedings in that Action.

In the course of an inquiry which was instituted into certain proceedings against Messrs. Hansard, the Printers of The House, it was considered necessary, that Thomas Burton Howard, who had acted as attorney for John Joseph Stockdale, in an Action brought by him against the Messrs. Hansard, should be examined at the Bar. Upon the examination of Howard, he submitted himself to the authority of The House, stating, "that if he had incurred its displeasure he deeply and honestly regretted it." Upon this submission, he was, by Order of The House, reprimanded by Mr. Speaker, and discharged. A very short time afterwards, he, nevertheless, commenced a fresh Action on behalf of Stockdale against the Messrs. Hansard: and this fact being communicated to The House, by petition from the Messrs. Hansard, he was ordered to attend The House forthwith. From the subsequent examination of the messengers who were sent to serve the Order, there was reason to believe that Howard was wilfully evading the service; but The House instead of coming immediately to a Resolution that this evasion of its Order was a contempt, followed the precedent entered in the Journals of the 31st March 1731, in relation to certain persons who, in like manner, had failed to obey the summons of The House. The entry* having been read at the table of The House, The House then ordered that Howard should be sent for in the custody of the Serjeant-at-Arms; and that Mr. Speaker should issue his Warrant accordingly. In pursuance of this Order, Mr. Speaker issued his Warrant in the following form:

Journals, vol. 95, p. 23, (22 Jan. 1840).

Journals, vol. 95, p. 30, (27 Jan. 1840).

Journals, vol. 21, p. 705, (31 March 1731).

Martis, 4° die Februarii, 1840.

WHEREAS the House of Commons have this day ordered that *Thomas Burton Howard* be sent for, in the custody of the Serjeant-at-Arms attending this House:

These are therefore to require you to take into your custody the body of the said Thomas Burton Howard. And all Mayors, Bailiffs, Sheriffs, Under-sheriffs, Constables, Headboroughs,

* "The House being informed that William Satchwell and Leonard Poulter, who were yesterday ordered to attend The House this day, do not attend;

"And two persons being called in and examined at the bar, who proved that their orders for their attendance were left at their respective dwelling-houses;

"Ordered, that the said William Satchwell be sent for in custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his warrant accordingly.

"Ordered, that the said Leonard Poulter be sent for in custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his warrant accordingly."

Headboroughs, and other Officers are hereby required to be aiding and assisting to you or your Deputy in the execution thereof.

For which this shall be your sufficient Warrant.

Given under my hand, this 4th day of February 1840.

(signed) *Charles Shaw Lefevre,*
Speaker.

To the Serjeant-at-Arms
attending the House of Commons.

Howard was taken by the Serjeant upon this warrant; and on the 6th of February 1840, the Serjeant "informed The House that Thomas Burton Howard was in custody." An Order was thereupon made by The House on the same day, that Thomas Burton Howard should be brought to the Bar. Howard was accordingly brought to the Bar in custody of the Serjeant-at-Arms, and examined by Mr. Speaker; after which he was ordered to withdraw. The entry in the Journals of The House of Mr. Speaker's reprimand before referred to was read; and The House came to the following Resolution: "That Thomas Burton Howard, having served a writ of summons upon Messrs. Hansard, the Printers of this House, to cause an appearance to be entered in the Court of Queen's Bench, in an Action at the suit of John Joseph Stockdale, in respect of a publication ordered by authority of this House, has been guilty of a high contempt and breach of the Privileges of this House;" and it was thereupon ordered that he should, for his said offence, be committed to Her Majesty's gaol of Newgate.

In the year 1843 Howard brought an action of trespass against the Serjeant-at-Arms for taking him into custody and bringing him to The House under the circumstances above stated. The House, having subsequently been informed by the Serjeant that he had been served with a Declaration in the action, came, on the 15th March 1843, to the following Resolutions: "That Sir William Gosset, Knight, the Serjeant-at-Arms attending this House have leave to appear and defend the action brought against him by Thomas Burton Howard for trespass:—and that Her Majesty's Attorney-general be directed to defend Sir William Gosset against the said action." Upon these Resolutions of The House, Pleas were put in, justifying the acts of the Serjeant, under the authority of Mr. Speaker's Warrant. To these Pleas there were special Demurrers denying their sufficiency in law. The argument upon the Demurrers took place in the Court of Queen's Bench in November last: and after time taken for consideration, that Court, on the 15th May, pronounced Judgment for the plaintiff, a majority of the Judges being of opinion that the Pleas were no answer in point of law to the Action.

This Judgment will be found at length in the Appendix (No. 3) to this Report. It will be seen that the Court was not unanimous; Lord Denman, Mr. Justice Coleridge, and Mr. Justice Wightman being in favour of the plaintiff, and Mr. Justice Williams being of opinion that judgment ought to be for the defendant. With regard to the general effect of the judgment, and the particular opinions maintained by individual Judges, Your Committee feel it to be their duty to submit to The House the following observations:—The House cannot fail to observe that the three Judges who decided in favour of the plaintiff differed on the grounds upon which their Judgment was given. Mr. Justice Wightman decides the question exclusively upon the technical and formal ground, that although by the recital of the Order of The House in the Warrant, it appears that the Plaintiff was to be sent for in the custody of the Serjeant-at-Arms, yet the Warrant itself, in the mandatory part, merely directs the Serjeant to take him into custody, and therefore does not justify "the taking the Plaintiff first to one place and then to another place, and keeping him there, in order to take him before The House, and which the Serjeant was not directed to do by the Warrant." This, in the opinion of Your Committee, leads to the inference that the Warrant was held by the learned Judge only to authorize the Serjeant to take the Plaintiff into custody, and having done so, either immediately to discharge him, or to keep him in the exact spot where he was arrested, until a fresh Order was made by The House to bring him before it, the least removal being equally a taking to another place, and as much beyond the limits of the authority as the taking the Plaintiff any distance, after having arrested him. Mr. Justice Coleridge, however,

however, is upon this point, of an opposite opinion; he says, "If the only objection to the Warrant had been that it omitted to state expressly for what time the Plaintiff was to be in custody, in whose custody to be kept, or where to be carried by the Serjeant, I think it might have been answered, that all this might be collected with reasonable certainty enough from the recitals; at least sufficiently so for the purpose of protecting the officer in his obedience." He rests his Judgment upon a different foundation; he objects to the Warrant as defective, upon the ground that the cause for which the Plaintiff was ordered to be sent for in custody of the Serjeant-at-Arms, is not there stated. He denies that the Order of The House is a sufficient cause; and states that to assert it to be so "involves this proposition, that The House may order its officer to arrest any man and bring him in custody before them at its mere will and pleasure without any previous summons, without charge of offence or adjudication of guilt, without any purpose to be answered, in a word, without any cause but their mere will and pleasure." In further reference to this proposition he expresses himself in the following language: "In truth, common learning and the constitution, common justice, and common sense, equally revolt against it. If such a limitation on the birth-right of Englishmen existed, so important and so remarkable in its cause and consequences, it must have been stated (though it would have been recorded with regret, I think, and something like shame) in some one of the many definitions of our most valuable rights, the right of personal liberty, with which our text-writers abound." Lord Denman, however, does not concur in this doctrine. He says, "Some doubt has been strongly and eloquently stated on the power to order a person to be brought before The House in custody in the first instance, or at least without apprizing him of the reason for requiring his attendance. But I confess that it would rather appear to me, though sensible of the weight of these considerations, that, as the exercise of their privilege of inquiry may obviously be wholly defeated by delay, it may be necessary to secure such attendance by coercive measures and without explanation; and that of that necessity The House alone can judge." Your Committee find great difficulty in ascertaining the precise ground upon which Lord Denman founds his opinion in favour of the plaintiff. One point, however, is very clearly and distinctly stated by him, namely, that the Warrant of the Speaker may be examined and tried by the same technical rules as are applied to warrants of justices of the peace. On this subject Lord Denman says, "There is no disrespect to the high Assembly with which this matter originated, in applying the same rules of construction to the instrument by which it acts as to those that may be issued by an ordinary justice of the peace." Mr. Justice Coleridge goes even further than this; and says upon this subject, "I cannot admit that the degree of strictness in which formal accuracy is to be required in warrants has been measured, or ought to be, by the dignity of the Courts from which they issue. Experience has shown that the liberty of the subject, with which we are entrusted, is involved in the accuracy, in point of form, of legal proceedings; for that reason accuracy is required; and in that view of it, it is no paradox to say that form becomes substance. The more powerful therefore the source, the higher in point of rank, the more strictness ought we to show, the more accuracy may reasonably be required. From the wide extent of jurisdiction, indeed, in the one case, and its narrowness in the other, a different rule of intendment exists; but with this qualification, the rule is as I have stated: and as it is no breach of respect to suppose that the highest functionary of the most exalted Court may imprudently err in point of from, however honest his intention; and as the most mischievous results might flow to the individual or to posterity if the inaccuracy were allowed to pass into a precedent, the more mischievous in proportion to the greater power of the Court, it is no breach of respect, but a bounden duty, respectfully to set such erroneous proceedings aside."

Your Committee have deemed it necessary thus to advert to what appear to them to be the leading points of the Judgment; but for a full explanation of the nature and grounds of the decision, they refer The House to the judgment as given at length in the Appendix.

It will be observed that although many authorities were cited in argument to show that The House had been admitted on former occasions, by Judges

of high eminence and great learning, to possess the sole and exclusive right of judging of its own privileges, and of the form of its warrants, yet none of the learned Judges, in the Judgments which they delivered, thought it necessary to notice these authorities.

From this omission, as well as from their own express declarations, it would appear that the Judges considered that no question of the Privileges of The House was involved in their decision: and that the form of warrants issued by Mr. Speaker by Order of The House may be questioned, and adjudged to be bad, without impugning the authority of The House, or in any way disputing its Privileges.

Your Committee entirely dissent from this doctrine. They cannot admit the right of any Court of Law to decide on the propriety of those forms of Warrants which The House, through its highest Officer, has thought proper to adopt on any particular occasion. If the highest Court of Law has this right, it is impossible to deny it to the lowest. A magistrate (as was done in Brass Crosby's case) might be called upon to decide upon technical objections taken to the Speaker's Warrant. For assuming this authority the Lord Mayor of London was committed by The House, in 1771, for contempt. He endeavoured to procure his discharge in the Courts of Law, and sued out writs of Habeas Corpus for that purpose, but failed. If the public good makes it necessary for The House to issue a Warrant, Your Committee think that every presumption ought to be made in favour of its validity. They cannot express their opinion on this point more distinctly than in the words of Mr. Justice Blackstone, in giving judgment in Brass Crosby's case: "Little nice objections of particular words, and forms and ceremonies of execution, are not to be regarded in the acts of the House of Commons; it is our duty to presume the Orders of that House, and their execution, according to Law."

3 Wils. 205.

The practice of The House, indeed, in earlier times appears to have been to arrest without a written Warrant. In these cases the Serjeant with the Mace was the sole indication of its will: and there is no reason to presume, as Mr. Justice Coleridge does, that "the Serjeant orally communicated to the party the cause for which he was summoned or arrested," or did more than require him to accompany him to The House in obedience to its directions.

Your Committee, however, find that in the present case, the Speaker's Warrant has been held to afford no protection to your officer acting in obedience to it: and that the form of the Warrant has been criticised, and its validity tried by strict and technical rules. When, in addition to this, they consider the principles asserted and maintained by some of the learned Judges in support of their decisions, they cannot but regard the judgment, if acquiesced in, as subversive of Privileges, without which the exercise of important constitutional functions of The House would be seriously impeded. It is laid down by Lord Coke, and in books of the highest authority, that "the Commons are the general inquisitors of the realm;" in that character they must be invested with the right of instituting inquiry into all matters connected with the public interest; to the performance of their duties it is absolutely essential that they should possess the discretionary power of enforcing the attendance of all persons from whom, in their judgment, information is likely to be obtained, and whom they think it their duty to examine, without the necessity of communicating to the party the object for which his attendance is required, which in some cases would wholly defeat the inquiry. This power flows indeed so necessarily from the nature of the duties which The House has to discharge, that to deny it appears to be the same as to deny that any such duties are thrown upon it by the Constitution.

Your Committee, although denying the authority of any Court of Law to decide upon the validity of a Warrant issued by the Speaker in pursuance of the Orders of The House, have yet thought it right to cause search to be made amongst the Journals and other records of The House, and also amongst the Journals of the House of Lords, to ascertain the forms of Warrants adopted by the two Houses. They have had laid before them copies of various Orders and Warrants issued to secure the attendance of witnesses, or the presence of some other persons, or for committing parties for contempt, or transferring them from the custody of the Serjeant-at-Arms to some other custody. Copies of these documents will be found in the Appendix, Nos. 4, 5. The result of their

their examination has been to ascertain that the forms of Warrants have been from time to time adapted to the exigency of the particular occasion. Your Committee, however, are unwilling, by resting upon the validity of the form of the Warrant, to be supposed to abandon for a moment the right of The House to exclude every other jurisdiction than its own, from deciding upon the existence and extent of their Privileges, or the validity of their solemn acts. In vindication of this position, Your Committee think it unnecessary to re-assert the principles maintained in the Reports of the Select Committees in the cases of Burdett against Abbot, and Stockdale against Hansard, or to do more than express their entire concurrence in the opinions of those Committees in favour of the Privileges of The House.

Having offered to The House these observations, Your Committee proceed, in further discharge of the duty imposed upon them, to express their opinion as to the course which, in the present state of the proceedings in the Action of Howard *v.* Gosset, it is advisable for The House to adopt.

They have given their anxious consideration to this question, and have found it one of great difficulty. On the one hand, they feel that it is of the utmost importance that The House should maintain the ancient Privileges which are essential to the discharge of its constitutional functions; on the other hand, they are not insensible to the public evil which might result from the adoption by the House of Commons of decisive measures for resisting the execution of a Judgment of a Court of Law. They are not without apprehension that such measures may hereafter become inevitable: but they entertain a strong conviction that it would be inexpedient for The House needlessly to precipitate such a crisis; and they think that every other legitimate mode of asserting and defending its Privileges should be exhausted before it resorts to the exercise of that power which it possesses, of preventing, by its own authority, the further progress of an Action in which Judgment has been obtained.

It must be borne in mind, that this Action has been already suffered to proceed through all its ordinary stages. The House, in permitting its officer to plead, followed the precedents of Burdett *v.* Abbot, and of Stockdale *v.* Hansard. Your Committee entertain no doubt that in taking this course The House had no intention of submitting its Privileges to the judgment of the Court; but that its single object was to bring under the knowledge of the Court, in the most formal manner, that the acts complained of by the Plaintiff were done by an officer of The House in obedience to the authority of The House. In this view of the case, the Pleas, in the opinion of Your Committee, ought to have been admitted as a sufficient answer to the Action.

A different, and, as Your Committee are persuaded, an erroneous construction, appears to have been placed upon the Pleas; and the question therefore now arises, what, in the present state of the proceedings, is the course most consistent with the dignity of The House and the maintenance of its Privileges.

Your Committee cannot advise an acquiescence in the decision of the Court of Queen's Bench. Simply to submit to the Judgment, and adopt no other proceeding, might be construed into an admission of the doctrines maintained by at least two of the Judges, not upon any purely formal or technical points, but upon alleged principles of law, deeply affecting the Privileges of The House. These doctrines, if allowed to remain unquestioned, might, because they were unquestioned, be hereafter appealed to as decisive authority, and considered as the ruling principles which determined the Judgment of the Court in this case. Submission would thus almost inevitably lead to further encroachments on the Privileges of The House.

In considering the expediency of any other course, Your Committee have adverted to the fact, that the decisions adverse to the Privileges of the House of Commons which have been given of late years by judicial authorities, have been given by one Court only, namely, the Court of Queen's Bench, and that the opinion of the Judges of the other Courts has never been pronounced upon the subject.

Your Committee, moreover, attach importance to the fact that the Court of Queen's Bench itself, in this Actin, was not unanimous in its Judgment; and

that the Judges, who constituted the majority of the Court, assigned reasons for their Judgment inconsistent with, and even contradictory to, each other.

Under these circumstances, Your Committee have come to the conclusion that it would be advisable in the present case to bring a Writ of Error on the Judgment. They are aware of the argument which may be urged against this further step, as an apparent recognition of the authority of a Court of Law to judge of the Privileges of The House, but they do not admit the force of this objection. They recommend a Writ of Error, under the impression that, after the course already taken by The House in the present Action, a Writ of Error, on the ground that the Court of Queen's Bench ought to have admitted, upon Demurrer, the sufficiency of a Plea that the acts complained of by the Plaintiff were done by an officer of The House in obedience to its authority, would not compromise the rights of The House, or impair the power with which it is invested by the Constitution of asserting its Privileges. It must not be forgotten, that in the case of Burdett *v.* Abbot, where the judgment of the Court below was in favour of the Privileges of the House of Commons, the Plaintiff appealed to a Court of Error, and the Judgment of the Court below was supported in the Court of Error by counsel on behalf of the Speaker of the House of Commons, the Defendant in Error. Your Committee only refer to this case as raising a presumption that the House of Commons did not consider that there was any material distinction in principle between pleading in the Court below and following the Record into the Court of Error.

What may be the Judgment of the Court of Error in the present case, Your Committee cannot of course anticipate. If that Court should reverse the Judgment of the Court of Queen's Bench, the Privileges of the House of Commons will have been recognised; and the desire of The House will have been evinced to act with moderation and forbearance.

If, on the other hand, the Court of Error should uphold the Judgment of the Court of Queen's Bench, it will then be for The House to determine what measures it will be indispensable for it to take, in order to preserve unimpaired those Privileges of which the House of Commons is the guardian, and which it cannot abandon without violating the trust which has been committed to it.

Your Committee are of opinion that the consideration of such measures will not be prejudiced by the fact of a Writ of Error having been brought; but that, on the contrary, the necessity for their adoption will be rendered more evident by the proof that every other course which was open for the vindication of Privileges essential to the proper discharge of its public functions, had been pursued, without success, by the House of Commons.

There is one point on which a few words of explanation may be necessary. In their First Report, Your Committee, after submitting their opinion that a Writ of Error should be brought, added, "that as the levying of the Plain-"tiff's execution would in no respect prejudice the proceedings in the Writ "of Error, they did not deem it expedient to advise The House to interpose "to prevent the levy."

Your Committee took into consideration the question, whether it would be expedient to prevent the levy by authorizing bail to be given on bringing the Writ of Error as a necessary condition of a postponement of the levy. They were clearly of opinion that this would not be expedient. It is true that it would have precluded the Plaintiff from reaping the immediate fruits of his Action; but Your Committee felt that, by authorizing bail to be given, The House would have submitted to abide by the future judgment of the Court of Error, in the event of its being adverse. They were of opinion that any improbability of receiving back the amount of damages in the event of the Judgment of the Court of Queen's Bench being reversed by the Court of Error, was comparatively unimportant; and that it was of the highest consequence that The House should reserve to itself an absolute and unfettered discretion as to the course which it may hereafter be requisite to adopt.

Your Committee cannot close their Report without adverting to the fact, which has in some degree influenced their recommendation, that three other Actions are pending at present against Officers of The House, for acts done under its authority; that in one of these Actions the damages have been laid at the sum of 100,000 *l.*; and that they have all been brought in the Court of Queen's Bench. In each of these The House has permitted its officer to plead,

plead, and it has directed that the Attorney-general should defend the Actions.

Your Committee wish expressly to guard themselves against the supposition, that in recommending a Writ of Error in the Action of Howard *v.* Gosset, they have expressed any opinion as to the course to be adopted in the event of a decision in any of the pending Actions adverse to the Privileges of the House of Commons. The proceedings in these Actions are not before them; and it would be premature to offer any recommendation to The House as to the course which it may hereafter be right to take with reference to those cases.

Your Committee, however, are of opinion, that a decision of the Court of Error in the Action of Howard *v.* Gosset, if obtained, as it probably would be, before the Judgment of the Court below is pronounced in any of the other Actions, may greatly assist The House in deciding on its future course.

20 *June* 1845.

PROCEEDINGS OF THE COMMITTEE.

Mercurii, 21° die Maii, 1845.

PRESENT:

Mr. Warburton.	Lord Mahon.
The Attorney-general for Ireland.	The Lord Advocate.
Mr. Chancellor of the Exchequer.	Mr. Williams Wynn.
Mr. Solicitor-general.	Sir Robert Harry Inglis.
Mr. Pigot.	

Mr. WILLIAMS WYNN, called to the Chair.

Order of reference read.

The Committee deliberated on the course of their future proceedings.

[Adjourned to Friday, at Twelve o'clock.

Veneris, 23° die Maii, 1845.

PRESENT:

Mr. WYNN, in the Chair.

Mr. Warburton.	Mr. Bernal.
The Solicitor-general.	Lord John Russell.
The Attorney-general for Ireland.	Mr. Labouchere.
Sir George Grey.	Mr. Chancellor of the Exchequer
Mr. David Dundas.	Sir Robert Inglis.
Lord Mahon.	

Copy of the shorthand writer's notes of the argument and judgment in the case of Howard and Gosset (referred to the Committee) read and considered.

J. Ley, Esq., Clerk of the House, examined.

C. E. Lefroy (Secretary to Speaker) called in, and produced eight books, containing entries of Speakers' Warrants.

Mr. *Lefroy* examined.

Sir *William Gosset* (Serjeant-at-Arms) called in, and produced The Speaker's Warrant for apprehending Thomas Burton Howard.

Sir *W. Gosset* examined.

The Committee deliberated on the course of their future proceeding.

Ordered, That there be laid before this Committee copies of all Speakers' Warrants issued: 1. in cases of contempt; and 2. where no contempt, but in order to secure the presence of witnesses or of any other persons.

[Adjourned to Monday, at One o'clock.

Lunæ, 26o *die Maii*, 1845.

PRESENT:

Mr. WILLIAMS WYNN, in the Chair.

Mr. Solicitor-general.	Mr. Chancellor of the Exchequer.
Mr. Attorney-general for Ireland.	Sir Robert Peel.
Mr. David Dundas.	Sir Thomas Wilde.
The Lord Advocate.	Lord Mahon.
Sir George Grey.	Mr. Labouchere.
Mr. Bernal.	Mr. Warburton.

The Speaker's Secretary attending, according to order, delivered in copies of the Warrants, extracted from his books, issued: 1. in cases of contempt; and 2. where no contempt, but to secure the presence of witnesses, &c.

The Committee deliberated on the course of their proceeding.

Resolved, That the Committee is not prepared to recommend to The House to appear by Counsel in the Sheriff's Court, in the assessment of damages in the cause of Howard *v.* Gosset.

[Adjourned to Wednesday, at Twelve o'clock.

Mercurii, 28° *die Maii*, 1845.

PRESENT:

Mr. WILLIAMS WYNN, in the Chair.

Mr. Bernal.	The Attorney-general for Ireland.
Sir Robert Peel.	Lord Mahon.
The Solicitor-general.	Sir George Grey.
Sir Thomas Wilde.	Mr. Labouchere.
Mr. Warburton.	Sir Robert H. Inglis.
Mr. D. Dundas.	

The Committee deliberated on the course to be recommended to The House to be taken with respect to the proceedings instituted against the Serjeant-at-Arms.

[Adjourned till To-morrow, at Twelve o'clock.

Jovis, 29° *die Maii*, 1845.

PRESENT:

Mr. WILLIAMS WYNN, in the Chair.

The Solicitor-general.	Lord John Russell.
Sir Thomas Wilde.	Sir Robert Peel.
Mr. David Dundas.	Mr. Chancellor of the Exchequer.
The Attorney-general for Ireland.	The Lord Advocate.
Sir George Grey.	Sir Robert Inglis.
Mr. Labouchere.	Lord Mahon.
Mr. Warburton.	Mr. Bernal.

The Committee further considered the course proper to be adopted by The House, with respect to the proceedings instituted against the Serjeant-at-Arms by Howard.

Question proposed (Sir *Robert Inglis*), "That The House having directed the Attorney-general to defend the action, Howard *v.* Gosset, the ground of complaint in which action was a certain proceeding under a certain warrant issued by the Speaker, under a certain Order

Order of The House, and the Court of Queen's Bench having pronounced a judgment for the Plaintiff in such action, and the damages claimed by the said Plaintiff in such action having been assessed accordingly in due course of law, this Committee recommend The House not to endeavour to interpose any obstacle to the further proceedings in the said action.

Question put thereupon, and negatived.

Motion made and question proposed (Mr. *David Dundas*), "That it is the opinion of this Committee that a Writ of Error should be brought on the judgment of the Court of Queen's Bench."

Question put.

The Committee divided—

Ayes, 10.	Noes, 4.
Mr. D. Dundas.	Sir Thomas Wilde.
Mr. Chancellor of the Exchequer.	Mr. Warbur.
The Attorney-general for Ireland.	Lord Mahon.
The Lord Advocate.	Sir Robert Inglis.
Lord John Russell.	
Sir George Grey.	
Mr. Labouchere.	
The Solicitor-general.	
Sir Robert Peel.	
Mr. Bernal.	

So it was resolved in the affirmative.

The Committee considered the draft of their Report, prepared in accordance to the vote of the Committee on the foregoing Resolution.

Report read 2°, and agreed to.

Ordered, That the Chairman do move, that the Committee have leave to Report from time to time to The House, and that the Solicitor-general have leave to make the Report to The House.

[Adjourned.

Jovis, 5° die Junii, 1845.

PPESENT:

MR. WILLIAMS WYNN, in the Chair.

The Solicitor-general.	The Attorney-general for Ireland.
Sir Thomas Wilde.	Mr. David Dundas.
Sir Robert Inglis.	The Lord Advocate.
Mr. Bernal.	Sir George Grey.
Sir Robert Peel.	Mr. Warburton.
Mr. Chancellor of the Exchequer.	Mr. Labouchere.
Lord Mahon.	

The Committee deliberated on the course to recommend The House to adopt, with respect to the proceedings instituted by Howard against the Serjeant-at-Arms.

The Committee having requested Mr. Speaker's attendance on the Committee, he attended accordingly, and was examined.

Mr. *Chalmers* (Clerk to the Committee) delivered in to the Committee, Warrants to the Serjeant-at-Arms, to take into his custody Members and other persons offending, which were delivered to him by Mr. Clementson, the Deputy Serjeant-at-Arms.

To be printed for the use of the Committee.

[Adjourned to Wednesday, at Twelve o'clock.

Mercurii, 11° die Junii, 1845.

PRESENT:

Sir Robert Inglis.	Mr. Chancellor of the Exchequer.
Sir George Grey.	Lord John Russell.
Mr. Warburton.	Mr. Solicitor-general.
Mr. Attorney-general for Ireland.	Sir Robert Peel.
Mr. David Dundas.	The Lord Advocate.
Lord Mahon.	Mr. Bernal.

The Solicitor-general informed the Committee that he had received a letter from Mr. Williams Wynn, stating his inability to attend to-day from indisposition.

The Solicitor-general was then called to the Chair.

The Chairman presented a Draft Report for the consideration of the Committee.

Sir Robert Inglis read to the Committee, Draft Resolutions proposed by him, as the basis of a Report, as follows:—

"1. Whereas it is the privilege of every subject of the realm, when imprisoned under any authority, warrant, or colour of law, to sue out his writ of *habeas corpus*; and whereas, on the return of such writ to the Court which shall have issued the same, the officer detaining the said party is bound, under heavy penalties, to produce the Warrant which is alleged to authorize the detention of such subject, in order that the same may be duly examined by the said Court, and that the said party may, if imprisoned contrary to law, be duly discharged; and whereas, for this purpose, it is necessary that each Warrant shall set forth the cause of such imprisonment; and whereas if any authority can, by the law and constitution of this realm, issue any Warrant directing any officer to seize persons therein named—for no cause assigned, and if the Court before whom such parties may be brought by writ of *habeas corpus*, be withheld, by any order of this House, from examining the said Warrant, the signature of Mr. Speaker thereto being held to bar all inquiry into the nature of the offence which may be charged against the party, or even into the formal validity or technical accuracy of such Warrant, this Committee considers that the writ of *habeas corpus* would thereby be practically withdrawn from their fellow-subjects; and that a power, which, since the glorious Revolution of 1688, no Sovereign of England hath ever claimed by common law, or otherwise than by special Act of Parliament, might be exercised at the arbitrary will of the Lower House of Parliament, to the great disquiet of the other commonalty of the realm.

"2. And whereas it is nevertheless essential for the due discharge of the functions of the House of Commons, as the grand inquest of the nation, that it should possess summary powers for enforcing the attendance of their fellow-subjects—the commonalty of this realm, before The House; while yet it is not essential that such powers should be exercised otherwise than in a form and manner recognized by law: and whereas the form of the warrant which constituted the subject of the action, *Howard* v. *Gosset*, now under consideration, being a warrant to take into custody the body of Thomas Burton Howard, differs from all other forms heretofore used, with one exception: and whereas in the instance of the said warrant, the object of which is alleged to have been to bring Thomas Burton Howard to the bar of The House, this House did, in addition to the issue of the said warrant, dated 4th February 1840, order and direct, by a separate and subsequent Resolution, namely, on the 6th February 1840, that the said Thomas Burton Howard be brought to the bar of The House, thereby implying that the said first warrant for taking the said Thomas Burton Howard was incomplete, and, without such second warrant, insufficient for the said last-mentioned purpose; this Committee doth recommend to The House that every warrant to apprehend, which shall hereafter be issued by Mr. Speaker under the authority of this House, do specify whether the party named therein be to be committed for contempt, or be to be brought in custody to the bar of this House to be examined, or to answer any and what charge.

"3. And whereas it hath appeared in evidence before this Committee, that there is no collection of formulas of warrants to be issued, and no complete record or entry of warrants which have been issued, this Committee doth recommend to The House to cause certain formulas of warrants to be prepared, in blank, under the advice of the law officers of the Crown and of Her Majesty's counsel, being Members of this House, and with the sanction of Mr. Speaker; which warrants may be always in readiness for each particular exigency.

"4. Whereas this House did, on the 15th March 1843, order that the Attorney-general do defend the action brought by Thomas Burton Howard against the Serjeant-at-Arms attending this House, the cause of which action was alleged to have been an illegal imprisonment of the said Thomas Burton Howard by the said Serjeant-at-Arms, under a certain warrant issued by Mr. Speaker, by the authority of The House; and whereas this House did thereby submit the validity of such warrant to the judgment of the Court of Queen's Bench; and whereas the judgment of the said Court hath been passed against the validity of the said warrant, and in favour of the plaintiff on the record; and whereas this House did, by the order made on the 6th February 1840, for bringing Thomas Burton Howard to the Bar of The House imply, as aforesaid, that Mr. Speaker's warrant, of the 4th February 1840, was not valid for the purpose to which it was applied, namely, for bringing the said Thomas Burton Howard to the Bar, and that accordingly the said warrant was in the opinion of the same House, under the authority of which it was issued, invalid, as it was subsequently held by the Judges in the case in question: the Committee doth not recommend The House to take any steps for reversing the said judgment.

"5. Whereas The Queen's Majesty, if the object of a libel, cannot obtain redress except by criminal proceeding in due course of law; while yet this House, if the object of a libel, can, summarily, by its own authority, punish the author or the publisher thereof: and whereas The Queen's Majesty, if contempt be offered to Her sacred person, cannot punish the same except by criminal proceeding in the ordinary course of law; while yet this House, if contempt be offered to it, can, summarily by its own authority, punish by immediate imprisonment the party guilty thereof:—this Committee doth not regard it to be essential for the due discharge of the functions of The House as one of the component parts of the High Court of Parliament, in which character only any privileges attach to it, that it should possess any other or further powers or privileges as to summary jurisdiction in criminal matters.

"6. Whereas this House, as representing the Commons of the realm, hath been duly summoned by The Queen to concur with the Lords Spiritual and Temporal in advising Her Majesty on certain arduous affairs of the nation; and whereas this House, by the old and established constitution of the realm, bears its part accordingly in preparing laws for the government thereof, this Committee considers that it is therefore specially important that The House should set an example to all its fellow-subjects of cheerful obedience to the law of the land, and to the judgment of those who, by lawful authority within the same, are duly appointed to administer such law."

Question proposed (Sir *George Grey*), "That the Draft Report prepared by the Solicitor-general be adopted as the basis of the Report."

Amendment proposed (Sir *Robert Inglis*), to leave out the words "Report prepared by the Solicitor-general", in order to add the words "Resolutions prepared by Sir Robert Inglis", instead thereof.

Question put, "That the words proposed to be left out, stand part of the question."

The Committee divided—

Ayes, 8.	Noes, 2.
Mr. Bernal.	Sir Robert Inglis.
Sir Robert Peel.	Lord Mahon.
The Chancellor of the Exchequer.	
The Attorney-general for Ireland.	
The Lord Advocate.	
Mr. D. Dundas.	
Sir George Grey.	
Lord John Russell.	

So it was resolved in the affirmative.

Resolved, "That it is the opinion of this Committee, that the Draft Report prepared by the Solicitor-general be adopted as the basis of the Report of this Committee."

The Draft Report prepared by the Solicitor-general was then read paragraph by paragraph, and the Committee agreed to part of the same, with several amendments.

The subject matter of the Serjeant's communication to The House, that execution was levied on his goods to the amount of 436 *l.* 12 *s.*, on Saturday last, read and considered.

[Adjourned to Friday, at Twelve o'clock.

Veneris, 13° *die Junii*, 1845.

PRESENT:

The Solicitor-general, in the Chair.

Sir George Grey.	Mr. D. Dundas.
Mr. Bernal.	Mr. Chancellor of the Exchequer.
Sir Robert Inglis.	The Attorney-general for Ireland.
Lord Mahon.	Mr. Labouchere.
Lord John Russell.	The Lord Advocate.
Mr. Warburton.	

The Committee further proceeded in the consideration of the Draft of their Report, and made several amendments thereto.

[Adjourned to Wednesday, at Twelve o'clock.

Mercurii, 18° *die Junii*, 1845.

PRESENT:

Mr. WILLIAMS WYNN, in the Chair.

The Attorney-general for Ireland.	Lord Mahon.
The Lord Advocate.	Sir Robert Inglis.
Sir George Grey.	Mr. Bernal.
Sir Robert Peel.	Lord John Russell.
Mr. Warburton.	Mr. Labouchere.
Mr. D. Dundas.	Mr. Chancellor of the Exchequer.

The Committee further proceeded in the consideration of the draft of their Report.

[Adjourned till To-morrow, at Two o'clock.

Jovis, 19° *die Junii*, 1845.

PRESENT:

Mr. WILLIAMS WYNN, in the Chair.

Sir Robert Inglis.	The Solicitor-ge neral.
Mr. Chancellor of the Exchequer.	Lord John Russell.
The Attorney-general for Ireland.	Mr Labouchere.
Sir George Grey.	Mr. Warburton.
Mr. D. Dundas.	Lord Mahon.

The Committee finally considered the draft of their Report, and made several amendments thereto.

Question put, "That the Report (so amended) be made to The House by the Solicitor-general."

The Committee divided—

Ayes, 7.	Noes, 3.
Mr. Chancellor of the Exchequer.	Sir Robert Inglis.
Sir George Grey.	Lord Mahon.
Mr. D. Dundas.	Mr. Warburton.
The Solicitor-general.	
Lord John Russell.	
Mr. Labouchere.	
Mr. Attorney-general for Ireland.	

So it was resolved in the affirmative.

The Committee resolved, That the Evidence taken before them should not be reported to The House, and determined the arrangement of the Papers to form the Appendix to their Report.

To Report.

APPENDIX.

APPENDIX.

LIST OF APPENDIX.

No. 1.—Speaker's Warrant for Apprehension of Thomas Burton Howard - - - p. 1
No. 2.—Copy of the Record in the Court of Queen's Bench - - - - - p. 1
No. 3.—Arguments and Judgment in the Court of Queen's-Bench - - - - p. 7
No. 4.—Copies of certain Warrants issued to secure the Attendance of Witnesses, or the Presence of some other Persons, and contained in the MS. Volumes of Precedents in the Speaker's Secretary's Room - - - - - - - p. 92
No. 5.—Warrants (in the possession of Mr. Clementson) from the Speaker, for taking into Custody various Individuals - - - - - - - - - - p. 109
No. 6.—Extracts from the Journals of the House of Lords - - - - - - p. 123
No. 7.—Extracts from the Journals of the House of Commons - - - - - p. 139

Appendix, No. 1.

SPEAKER'S WARRANT for Apprehension of *Thomas Burton Howard.*

Appendix, No. 1. Warrant for Apprehension of T. B. Howard.

Martis, 4° die Februarii, 1840.

WHEREAS the House of Commons have this day Ordered that Thomas Burton Howard be sent for, in the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to take into your custody the body of the said Thomas Burton Howard; and all mayors, bailiffs, sheriffs, under-sheriffs, constables, headboroughs, and other officers are hereby required to be aiding and assisting to you or your deputy in the execution thereof: for which this shall be your sufficient warrant. Given under my hand this 4th day of February 1840.

(signed) *Charles Shaw Lefevre,*
Speaker.

To the Serjeant-at-Arms
attending the House of Commons.

Appendix, No. 2.

COPY of the RECORD in the Case of *Howard* v. *Gosset,* in the COURT of QUEEN'S BENCH.

Appendix, No. 2. Copy of Record in the Court of Queen's Bench.

IN THE QUEEN'S BENCH.

Howard v. *Gosset.*

The 24th day of February, in the year of our Lord 1843.

Middlesex, to wit. } *Thomas Burton Howard,* the plaintiff in this suit, by Thomas Howard, his attorney, complains of Sir William Gosset, knight, who has been summoned to answer the said plaintiff by virtue of a writ issued on the 19th day of November, in the year of our Lord 1842, out of the Court of our Lady the Queen, before the Queen herself, at Westminster, in an action of trespass; for that the defendant, on the 6th day of February, in the year of our Lord 1840, with force and arms, &c., assaulted the plaintiff, and then seized and laid hold of him, and forced and compelled him to go in and along a certain passage to a certain room, and afterwards in and along a certain other passage to a certain other room, and then imprisoned the plaintiff for a long time, to wit, for the space of two hours then next following, and then forced and compelled him to return through and along the first-mentioned passage into the said first-mentioned room, and there kept and detained him for a further long space of time, to wit, for the space of two hours then next following, contrary to law and against the will of the plaintiff, whereby the plaintiff was greatly exposed and injured in his credit and circumstances, and other wrongs to the plaintiff then did against the peace of our Lady the now Queen, and to the damage of the plaintiff of 200 *l.*, and thereupon he brings suit, &c.

Appendix, No. 2.

Copy of Record in the Court of Queen's Bench.

Pleas.

The 13th day of April, in the year of our Lord 1843.

And the defendant, by Cobbett Derby, his attorney, says, that before and at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned a Parliament of our Sovereign Lady the Queen was holden at Westminster in the county of Middlesex, and was sitting there at the said time when, &c., and during all the time in the declaration and in this plea mentioned; and the defendant further says, that shortly before the said time when, &c., to wit, on the 27th day of January, in the year of our Lord 1840, certain matters and things came on to be discussed and debated, and were under discussion and debate in the said House of Commons, in respect of and concerning which it was considered by the said House of Commons to be necessary that the plaintiff should be questioned and examined at the Bar of the said House; and thereupon and for the purpose of procuring the attendance of the plaintiff, to be examined at the Bar of the said House of Commons touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, ordered by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith, of which said order the plaintiff afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, had notice. And the defendant further says, that the plaintiff did not nor would attend the said House of Commons, in obedience to the said order, but wilfully and contemptuously, without any reasonable cause or excuse in that behalf, wholly neglected and refused to do so, and disregarded the said order, and also for a long space of time, to wit, from the day and year last aforesaid until the said time when, &c., concealed and absented himself for the purpose of avoiding the attending the said House of Commons, in obedience to the said order, of all which premises the said House of Commons afterwards, to wit, on the 4th day of February in the year aforesaid, was informed and had notice. And the defendant further says, that thereupon and in order to compel the attendance of the plaintiff at the Bar of the said House of Commons, to be questioned and examined there touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, ordered and resolved by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, as follows: that is to say, that the plaintiff should be sent for and brought before the said House of Commons, in the custody of the Serjeant-at-Arms attending the said House of Commons; and that the Speaker of the said House of Commons should issue his warrant accordingly: whereupon the Right Honourable Charles Shaw Lefevre, then being the Speaker of the said House of Commons, in pursuance of the order and resolution hereinbefore last mentioned, and in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Serjeant-at-Arms of the said House before the said House, according to the order and resolution last mentioned, for the purpose aforesaid, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, did require and authorize the Serjeant-at-Arms then attending the said House of Commons to take into custody the body of the plaintiff. And the defendant further says that he, the said defendant, then (to wit, on the day and year last aforesaid) was the Serjeant at-Arms attending the said House of Commons, and that the said warrant was afterwards, and before the said time when, &c. (to wit, on the day and year last aforesaid) duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms as aforesaid, to be by him executed in due form of law; by virtue of and in execution of which said warrant the defendant, as such Serjeant-at-Arms as aforesaid, afterwards and at the said time when, &c. in the declaration mentioned, gently laid his hands upon the plaintiff to arrest him and take him into custody, and did then arrest him by his body, by virtue of and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively, to the said several rooms in the declaration mentioned respectively, using no unnecessary violence to the plaintiff in that behalf, and did then necessarily imprison the plaintiff and keep and detain him, for and during the said several times in the declaration mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might, for the causes aforesaid, which are the said several supposed trespasses in the declaration respectively mentioned, and of which the plaintiff hath above thereof complained against the defendant; and this the defendant is ready to verify.

Second Plea.

And for a further plea in this behalf, the defendant says that before and at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, a Parliament of our Sovereign Lady the Queen was holden at Westminster, in the county of Middlesex, and was sitting there at the said time when, &c. and during all the time in the declaration and in this plea mentioned. And the defendant further says, that shortly before the time when, &c., to wit, on the 27th day of January in the year

year of our Lord 1840, certain matters and things came on to be discussed and debated, and were under discussion and debate in the said House of Commons, in respect of and concerning which it was considered by the said House of Commons to be necessary that the plaintiff should be questioned and examined at the Bar of the said House; and therefore, and for the purpose of procuring the attendance of the plaintiff to be questioned and examined at the Bar of the said House of Commons, touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid ordered by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith; of which said order the plaintiff afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, had notice. And the defendant further says, that the plaintiff did not nor would attend the said House of Commons in obedience to the said order, but wilfully and contemptuously, without any reasonable cause or excuse in that behalf, wholly neglected and refused to do so, and disregarded the said order, and also for a long space of time, to wit, from the day and year last aforesaid until the time when, &c. concealed and absented himself for the purpose of avoiding the attending the said House of Commons in obedience to the said order; of all which premises the said House of Commons afterwards, to wit, on the 4th day of February in the year aforesaid, was informed and had notice. And the defendant further says, that thereupon and in order to compel the attendance of the plaintiff at the Bar of the said House of Commons, to be examined thereby touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c. to wit, on the day and year last aforesaid, ordered and resolved by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, as follows; (that is to say), that the plaintiff should be sent for and brought before the said House of Commons in the custody of the Serjeant-at-Arms attending the said House of Commons, and that the Speaker of the said House of Commons should issue his warrant accordingly; whereupon the Right Honourable Charles Shaw Lefevre, then being the Speaker of the said House of Commons, in pursuance of the said order and resolution hereinbefore last mentioned, and in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Serjeant-at-Arms of the said House before the said House, according to the order and resolution last mentioned, for the purpose aforesaid, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House of Commons, did require and authorize the Serjeant-at-Arms attending the said House of Commons to take into custody the body of the plaintiff. And the defendant further says, that he the said defendant then, to wit, on the day and year last aforesaid, was the Serjeant-at-Arms attending the said House of Commons, and that the said warrant was afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms aforesaid, to be by him executed in due form of law. And this defendant further says, that after the said warrant had been so delivered to him as aforesaid, and before the execution of the same by him as hereinafter mentioned, to wit, just before the said time when, &c. in the declaration mentioned, the said plaintiff was and was found by him the defendant within that part of Her Majesty's Palace at Westminster which then was appropriated to and used by the said House of Commons, and that the plaintiff remained and continued there until the said time when, &c. in the declaration mentioned. And the defendant further says, that by virtue of and in execution of the said warrant, the defendant, as such Serjeant-at-Arms as aforesaid, afterwards and at the said time when, &c. in the declaration mentioned, gently laid his hands upon the plaintiff so then still being and being found by him within the said part of Her Majesty's said Palace at Westminster aforesaid, to arrest him and take him into custody, and did then arrest him by his body by virtue of and in execution of the said warrant; and did then, in order to bring the plaintiff before the said House of Commons in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively, to the said several rooms in the said declaration mentioned respectively, using no unnecessary violence to the plaintiff in that behalf, and did then necessarily imprison the plaintiff, and keep and detain him for and during the several times in the declaration mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might for the causes aforesaid, which are the said several supposed trespasses in the declaration respectively mentioned, and of which the plaintiff hath above complained against the defendant, and this the defendant is ready to verify.

Third Plea.

And for a further plea in this behalf the defendant says, that before and at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, a Parliament of our Sovereign Lady the Queen was holden at Westminster, in the county of Middlesex, and was sitting there at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, and that shortly before the said time when, &c. to wit, on the 27th day of January in the

 year

Appendix, No. 2.

Copy of Record in the Court of Queen's Bench.

year or our Lord 1840, it was ordered by the House of Commons of the said Parliament, in pursuance of and in accordance with the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith, upon and to answer a charge which had shortly before been made against the plaintiff in the said House of Commons, that he the said Plaintiff had shortly before the last-mentioned day, to wit, on the 24th day of January, in the year aforesaid, committed and been guilty of a breach and contempt of the privileges of the said House of Commons, of which said order of the said House of Commons the plaintiff afterwards, to wit, on the day and year last aforesaid, had notice. And the defendant further says, that the plaintiff did not nor would attend the said House of Commons in obedience to the said order, but wholly neglected and refused to do so, and wilfully and contemptuously and without any reasonable cause or excuse in that behalf, disregarded the said order and for a long space of time, to wit, from the day and year last aforesaid, until the, said time when, &c. in the declaration mentioned, concealed and secreted himself for the purpose of evading and avoiding the attending the said House of Commons, in obedience to the said order, of all which said several premises the said House of Commons afterwards, to wit, on the 4th day of February, in the year aforesaid, was informed and had notice; and thereupon afterwards, to wit, on the day and year last aforesaid, it was ordered and resolved by the said House of Commons in pursuance of and in accordance with the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, in order to compel the attendance of the plaintiff, for the purpose hereinbefore mentioned, as follows; that is to say, that he the plaintiff should be sent for and brought before the said House of Commons, in the custody of the Serjeant-at-arms attending the said House of Commons, and that the Speaker of the said House of Commons should issue his warrant accordingly. Whereupon the Right honourable Charles Shaw Lefevre, then being Speaker of the said House of Commons, in pursuance of the order and resolution last-mentioned, and in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards, to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Serjeant-at-Arms of the said House, before the said House, according to the order and resolution last mentioned, and for the purpose aforesaid, by the said warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, did require and authorize the Serjeant-at-Arms then attending the said House of Commons to take into his custody the body of the plaintiff. And the defendant further says, that he the said defendant then was the Serjeant-at-Arms attending the said House of Commons, and the said warrant was afterwards, and before the said time when, &c., to wit on the day and year last aforesaid, duly delivered by the said Speaker to the defendant so then being such Serjeant-at-Arms as aforesaid, in order that he the defendant might and should execute the said warrant in due form of law; by virtue of and in execution of which warrant, the defendant, as such Serjeant-at-Arms as aforesaid, afterwards, to wit, at the said time when, &c. in the declaration mentioned, gently laid his hands upon the said plaintiff to arrest him and take him into custody, and did then arrest him by his body by virtue and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively to the said several rooms in the declaration mentioned respectively, using no unnecessary violence to the plaintiff in that behalf, and then necessarily imprisoned the plaintiff and kept and detained him for the said several times in the declaration above mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence, and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might for the causes aforesaid, which are the said several supposed trespasses in the said declaration respectively mentioned, and of which the plaintiff hath above complained; and this the defendant is ready to verify, &c.

Fourth Plea.

And for a further plea in this behalf the said defendant says, that at the said time when &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, a Parliament of our Sovereign Lady the Queen was holden at Westminster, in the county of Middlesex, and was sitting there at the said time when, &c., and during all the time in the declaration and in this plea mentioned. And the defendant further says, that shortly before the time when, &c., to wit, on the 27th day of January, in the year of our Lord 1840, it was ordered by the said House of Commons, in pursuance of and according to the ancient usage and privileges of the said House of Commons, and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith; of which said order the plaintiff afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid had notice. And the defendant further says, that the plaintiff did not, nor would attend the said House of Commons in obedience to the said order, but wilfully and contemptuously, without showing or causing to be shown to the said House of Commons any reasonable cause or excuse in that behalf, wholly neglected and refused to do so; of all which premises the said House of Commons afterwards, to wit, on the 4th day of February in the year aforesaid, was informed and had notice. And this defendant further says, that thereupon, and in order to compel the attendance of the plaintiff at the bar of the said House of Commons, it was afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, ordered and resolved by the said House of Commons

mons, in pursuance of and according the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, as follows (that is to say), that the plaintiff should be sent for and brought before the said House of Commons, in the custody of the Serjeant-at-Arms attending the said House of Commons, and that the Speaker of the said House of Commons should issue his warrant accordingly; whereupon the Right Hon. Charles Shaw Lefevre, then being the Speaker of the said House of Common, in pursuance of the said order and resolution hereinbefore last mentioned, and in pursuance of and according to the usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought before the said House of Commons, in the custody of the said Serjeant-at-Arms, according to the order and resolution last mentioned, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House of Commons, did require and authorize the Serjeant-at-Arms then attending the said House of Commons to take into custody the body of the plaintiff. And the defendant further says, that he the said defendant then, to wit, on the day and year last aforesaid, was the Serjeant-at-Arms attending the said House of Commons, and that the said warrant was afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms as aforesaid, to be by him executed in due form of law; by virtue and in execution of which said warrant the defendant, as such Serjeant-at-Arms as aforesaid, afterwards, and at the said time when, &c. in the declaration mentioned, gently laid his hands upon the plaintiff to arrest him and take him into custody, and did then arrest him by his body by virtue of and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively, to the said several rooms in the said declaration mentioned respectively, using no unnecessary violence to the plaintiff in that behalf; and did then necessarily imprison the plaintiff, and keep and detain him for and during the several times in the declaration mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons, in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might, for the causes aforesaid, which are the said several supposed trespasses in the declaration respectively mentioned, and of which the plaintiff hath above complained against the defendant, and this the defendant is ready to verify.

(signed) *H. Waddington.*

The 22d day of December, in the year of Our Lord 1843.

Demurrer.

And the plaintiff says, that the said first plea of the defendant is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said plea attempted to be justified; and also for that the said first plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant, or proceeding known to or recognized by the law, or for what or why the said plaintiff should or ought to have attended the said House of Commons, or state or show particularly the nature of the matters or things with respect to which the plaintiff was to appear and be examined before the said House of Commons, so as to enable the Court to judge of the necessity of such appearance and examination, or of the legality of said order for plaintiff's appearance and examination, or for what or why he was to be amenable to the jurisdiction of the said House of Commons, or that any act had been done or committed by said plaintiff to render it obligatory on him to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer on the said House any legal power to pass the resolution in the said first plea mentioned; nor does the said plea show any sufficient cause why said plaintiff was not legally entitled to conceal and absent himself, and avoid yielding obedience to such order or resolution, or why, because he did not attend the said House, he would be, according to law, liable to be apprehended under any warrant or authority from the said House; nor does said first plea state or show that said warrant contained any charge whatever against said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said first plea is in other respects uncertain and insufficient, &c.

And the plaintiff says, that the defendant's second plea is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said second plea attempted to be justified; and also for that the said second plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant or proceeding known to or recognized by the law, or for what or why the said plaintiff should or ought to have attended the said House of Commons, or state or show particularly the nature of the matters or things with respect to which the plaintiff was to appear and be examined before the said House of Commons, so as to enable the Court to judge of the necessity of such appearance and examination, or of the legality of said order for plaintiff's appearance and examination, or for what or why he was to be amenable to the jurisdiction of the said House of Commons, or that any or what act had been done or committed by said plaintiff to render it obligatory on him

Appendix, No. 2.

Copy of Record in the Court of Queen's Bench.

to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer on the said House any legal power to pass the resolution in the said second plea mentioned; nor does the said second plea show any sufficient cause why said plaintiff was not legally entitled to conceal and absent himself, and avoid yielding obedience to such order or resolution, or why, because he did not attend the said House, he would be, according to law, liable to be apprehended under any warrant or authority from the said House; nor does it appear, by the said second plea, how the presence of the plaintiff in the said part of Her Majesty's Palace at Westminster was any justification of the said trespasses charged in the declaration, or that the presence of the plaintiff there conferred, either of itself or in conjunction with the said order, resolution, and warrant, or either of them, any right or authority upon the defendant to commit the same, nor does the said second plea state or show that the said warrant contained any charge whatever against said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said second plea is in other respects uncertain and insufficient, &c.

And the plaintiff says, that the said third plea of the defendant is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said third plea attempted to be justified; and for that the said third plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant, or proceeding known to or recognized by the law, or for what or why the said plaintiff should or ought to have attended the said House of Commons, or upon what occasion or how the plaintiff had been guilty, or that the plaintiff had, in fact, been guilty of any contempt or breach of the privileges of the said House, or for what or why he was to be amenable to the jurisdiction of the House of Commons, or that any act had been done or committed by the said plaintiff to render it obligatory on him to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer upon the said House any legal power to pass the said resolution in the said third plea mentioned; and for that the said third plea does not describe or state any particular contempt or breach of privilege, so that a court of law could pronounce any judgment upon the legal effect of such order or resolution, nor does the said third plea show any sufficient cause why said plaintiff was not legally entitled to conceal and secrete himself, and avoid yielding obedience to such order or resolution, or why, because he did not attend the said House, he would be, according to law, liable to be apprehended under any warrant or authority from the said House; nor does the said third plea state or show that the said warrant contained any charge whatever against said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said third plea is in other respects uncertain and insufficient, &c.

And the plaintiff says that the said last plea of the defendant is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said last plea attempted to be justified; and also for that the said last plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant, or proceeding known to or recognized by the law, or for what or why the said plaintiff ought to have attended the said House of Commons, or the circumstances under which the said order was made, or shown any reason or authority for making the same, or for what or why the plaintiff was to be amenable to the jurisdiction of the said House of Commons, or that any act had been done or committed by the said plaintiff to render it obligatory on him to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer on the said House any legal power to pass the resolution in the said last plea mentioned; nor does the said last plea show why the plaintiff would be, according to law, liable to be apprehended under any warrant or authority from the said House because he did not attend the same; nor does the said last plea state or show that the said warrant contained any charge whatever against the said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said last plea is in other respects uncertain and insufficient, &c.

C. Petersdorff.

The 23d day of January in the year of our Lord 1844.

Joinder in Demurrer.

And the said defendant says that the said first plea is sufficient in law. And the defendant says that the said second plea is sufficient in law. And the defendant says that the said third plea is sufficient in law. And the defendant says that the said last plea is sufficient in law.

But because the Court here are not yet advised what judgment to give of and upon the premises, a day is given to the parties aforesaid here, on the 19th day of April in the year of our Lord 1844, to hear judgment thereupon, for that the Court here are not yet advised thereof, &c.

Appendix, No. 3.

Arguments and Judgment in the Court of Queen's Bench, in the Case of *Howard* and *Gosset*.

ARGUMENT. Friday, 15 November 1844.

Mr. *Kelly* read the special Case.

Mr. *Kelly*.—My Lords, I have to submit to your Lordships, upon this record, that the plaintiff is entitled to the judgment of the Court. Several points arise, upon which the decision of your Lordships must depend. My Lords, the declaration states that the defendant assaulted and imprisoned the plaintiff, a subject of the realm. The defendant by his pleas admits that he did assault and did imprison the plaintiff, and he professes to justify the assault and imprisonment by a warrant, which is set forth in each of the four pleas upon the record. I have, then, first to submit to your Lordships that the defendant was bound to set forth that warrant; that he has therefore necessarily set it forth, and has necessarily and properly admitted that it was by virtue of that warrant, and by virtue of that warrant only, that he imprisoned the plaintiff. He rests his justification for the imprisonment of the plaintiff upon that warrant so set forth. And I have next to submit to your Lordships that that warrant is bad, and void in law; and if it be bad, and void in law, the whole justification of the defendant fails.

I shall submit, my Lord, that it is bad in law because it sets forth no offence alleged to have been committed by the plaintiff; it does not allege that the plaintiff was charged with any offence, or suspected of any offence; it alleges, in fact, no cause at all for which the plaintiff was to be imprisoned. It is bad likewise, as not specifying the object of the imprisonment; no place where the party was to be imprisoned, or where he was to be taken to is stated, nor is any time stated for which he was to be imprisoned; nor is it stated how or in what way he is to be delivered by law, or, in general terms, that he is to be imprisoned until delivered by law. It is, in truth, in its terms a mere general absolute warrant to seize and imprison the plaintiff by his body, without any cause assigned or suggested, without any place of imprisonment, without any term of imprisonment, without anything to guide the officer as to what he was to do with him beyond imprisoning him with his body; where he was to take him, how long he was to keep him, or for what offence committed or charged he was to be imprisoned; and is consequently silent as to the only matter which would enable a court of law, upon Habeas Corpus, to determine whether the imprisonment was legal or not. And, my Lords, I shall further submit, that if this warrant be bad in law, the defendant must stand or fall by its validity; that he cannot, supposing the warrant to be bad and insufficient in itself, make out, by averment in the plea, any other cause or justification for the imprisonment; that he must stand or fall by the warrant, and the warrant alone, and that he cannot aid that warrant by any averment of extrinsic matters. My Lords, I shall lastly submit, that if he could do so,—that supposing the warrant to afford of itself no sufficient justification for the imprisonment which he admits to have inflicted upon the plaintiff, he is at liberty to refer to the other matters averred in the pleas, that there is no matter alleged in any of those pleas warranting the imprisonment of the plaintiff. In other words, that supposing as a justification for the defendant, the whole of the matters alleged in those several pleas to be produced and admitted as facts for your Lordships' judgment, the House of Commons possesses no power by law to arrest and imprison a subject upon a charge merely of contempt; that the power of the House of Commons is limited to a right to imprison the subject upon a breach of privilege or other contempt, found and adjudged against the party; that right will not be disputed; the right to arrest upon a warrant generally, alleging a contempt found against the party, will not be disputed; but I shall submit to your Lordships, should it become necessary to consider the effect of the averments in this plea, in aid of the warrant under which the defendant acted, that the House of Commons has no power to arrest upon a charge of contempt, and has no power to arrest in order to bring a party before it to be examined.

Now, my Lords, upon the first point, as I conceive, that your Lordships' judgment will ultimately depend upon the validity of the warrant, it will be hardly necessary, but I feel it my duty, to refer to one or two authorities to establish the proposition, that the defendant having, in fact, arrested and imprisoned the plaintiff under and by virtue of the warrant, was bound to set forth that warrant in the pleading as he has done, and to show that it cannot be rejected, for that it is necessarily alleged as his justification in the pleading.

My Lord, I find the law upon this subject very clearly laid down in the notes to Greene *v.* Jones, in 1st Saunders, page 297. The case itself was a case where there was a plea of justification, an action of assault under a writ and warrant; and in the first note, note 1, it is laid down: "In trespass, when the defendant justifies under a writ, warrant, precept, or any other authority whatever, he must set it forth particularly in his plea, for it is not sufficient to allege generally that he committed the act complained of by virtue of a certain writ or other warrant directed to him, but he must set it forth specially." And for this, Coke Littleton, 283 a. is cited, and Mathews *v.* Cary, 3d Modern 137 and 138, and some other cases, are cited, to which I do not think it necessary to advert, together with Comyn's

Appendix, No. 3.
Argument.
15 November 1844.
Mr. *Kelly.*

Digest, title "Pleader," E. 17. And I should state to your Lordships that I have looked into the more modern treatise, Chitty on Pleading, and particularly Stephens on Pleading; and your Lordship will find the same doctrine laid down in many cases, cited to support it, in Mr. Serjeant Stephen's book, in the 5th edition, page 365.

My Lord, the defendant, in pursuance of this rule of pleading, has set forth the warrant, and he has, in the terms which I have just read to your Lordships, very distinctly and positively averred, that it was by virtue of that warrant that he arrested the plaintiff and committed the assault and imprisonment charged in the declaration. And, my Lords, I conceive that it is a proposition almost self-evident, that the defendant, who is an officer,—not one charged with having caused the imprisonment by an order given to another, but having himself actually in his own person assaulted and imprisoned the plaintiff,—I apprehend it is perfectly clear, if he justifies under the warrant, he must stand or fall by the validity of that warrant, and cannot call in aid other facts, though they may be averred in the plea. Your Lordships will observe that it is under and by virtue of the warrant alone that it is averred that the assault was committed.

But, my Lords, it is further necessary that the right to assault and imprison should appear upon that warrant, and should depend upon the face of that warrant; because a subject of the realm about to be seized, and to be taken into custody and imprisoned, has a right to ask by virtue of what warrant he is imprisoned: the party who assaults him produces the warrant—he sees there the cause, if there be a cause stated in that warrant; he sees there all that the warrant contains; he has a right to assume that it is that, and no more than that, and no less than that which justifies, if anything justifies, the imprisonment about to be committed. This warrant might have been a warrant from the Speaker of the House of Commons to arrest upon a charge of murder. Now, it is perfectly clear, that the House of Commons have no authority to issue any such warrant to arrest any of the Queen's subjects upon the charge of murder, or any other felony. If this warrant, therefore, had contained such a charge, the plaintiff would have been justified in resisting the officer, the defendant, who sought to imprison him, and in the course of that resistance, death might have ensued, he might have killed the officer; and the question then, whether he had been guilty of murder or not, would have depended, not upon what really might have in fact taken place in the House of Commons, or upon any resolution to which the House of Commons might have come, or upon any authority or directions which might have been given by the House of Commons to the officer; but the question of whether the party was guilty of murder or not, would have depended upon whether that was a warrant legal and valid upon the face of it, by the matter on the face of it authorizing the arrest which he resisted, and in the resistance to which the killing of the party ensued. And in such a case it surely would not make the party guilty of murder, were the officer to turn round and say, though the warrant was to apprehend this subject of the realm for murder, and that no doubt was bad upon the face of it, there being no authority in the House of Commons to order or authorize such a warrant, still, in fact, The House had authorized him to be taken into custody for an offence found and adjudged against him. That would be no good plea; that could not be alleged, Then, I apprehend, your Lordships will find upon every principle, and looking at it in regard to all its consequences, where, as upon this record appears to be the case, one man, a subject of this country, arrests and imprisons another, and the party arrested brings his action for false imprisonment, and the defendant admits that imprisonment, but alleges that he did it by virtue of that warrant, it is the matter stated in that warrant, and that warrant only, that must determine whether or not the party is justified.

Now, my Lords, the question, therefore, will be,—looking to the facts alleged upon this record, that the plaintiff alleges he was assaulted and imprisoned by the defendant, and that the defendant admits the assault and imprisonment, and professes to justify it by virtue of the warrant,—the question will be, whether that warrant contains upon the face of it a justification for the defendant to have arrested and imprisoned the plaintiff; whether it contains matter upon the face of it which would have rendered it unlawful in the plaintiff to have resisted him in the execution of that warrant. Would it have been murder in the plaintiff, if in the resistance of the warrant he had killed the defendant, or any other individual?

My Lords, the warrant is set forth in the same terms in all the four of these pleas, and I will now state to your Lordships what that warrant contains, and all that it contains. It recites that the Speaker issued his warrant and delivered it to the Serjeant-at-Arms, that warrant reciting that the House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant attending the said House, and did require and authorize the Serjeant-at-Arms attending the said House to take into custody the body of the plaintiff. That is, it is a warrant merely reciting that the House of Commons had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms; and then comes the mandatory and authorizing part of the warrant, the Speaker, or the House of Commons then directs and authorizes the defendant to take into custody the body of the plaintiff.

Now, my Lords, I will venture to say, in the outset, that if this be a legal and valid warrant, it must be because the House of Commons, by the law of this country, of which your Lordships will take judicial notice, possesses the power to imprison any of the subjects of the realm at their free will and pleasure, without any offence being specified, without any charge of any offence being pointed out, but absolutely at their will or at their caprice, and for no definite time, for no cause whatsoever, to seize and to imprison any of the subjects of the realm. And my Lord, I need hardly say that no power, no tribunal, no authority in this State has ever been held, or ever contended to possess such a right. The sovereign does

not

not possess it; the sovereign can only arrest the subject by some writ or warrant in form known to and recognized by law, and setting forth, in terms more or less formal and clear, the cause, whether civil or criminal, of that arrest. The Secretary of State and other Ministers of the Crown are in like manner limited as to their authority to cause the arrest and imprisonment of subjects; courts of justice, even of this high, this highest Court of common law in the realm, the powers are likewise circumscribed. Your Lordships have no power, have no right to order the imprisonment of any subject of this country, without some cause specified upon the writ or warrant by virtue of which the imprisonment takes place.

In civil cases, by process issuing out of this Court, a party may be arrested on mesne process; but it is by a writ which specifies the cause, and specifies in one sense the term of imprisonment; it specifies the cause to be that the party is indebted in a sum of money; it specifies the time, because it is to answer within a certain time stated the claim of the plaintiff. So in execution the cause is specified; the debt, the amount, the place to which the party is to be carried, the mode in which he is to be disposed of: the warrant contains an authority to the officer of the Court who effects the arrest, so as to guide him in the course which he is to pursue, and to enable the party who is arrested to see that he is lawfully arrested by virtue of that warrant.

My Lord, it is the same in criminal cases; not merely the Queen, or the Secretaries of State, and other Ministers of the Crown, but of course this Court, the Judges of this Court, and even magistrates, may issue their warrant to apprehend a party for an offence in criminal cases, and arrest upon mesne process in other cases. But there still the analogy holds and pervades the practice of our law, that the warrant must state the offence, whether it proceed from the Queen or any of her Ministers, or from this Court, or even from a magistrate, the warrant must state the cause of the arrest.

And so, my Lord, after conviction in like manner, this Court may order the imprisonment of the subject, but it is by warrant of commitment on conviction, and the cause is stated in the warrant. I am not contending for the form in which it is to be stated, either in one case or the other, civil or criminal, whether from the superior or inferior Court; but in all cases, from the highest Court of justice to the lowest officer having power to order the imprisonment of any one in this kingdom, whether it be mesne process or arrest in civil cases, or warrant of commitment for cause, or warrant of commitment in execution after judgment in criminal cases,—in all those cases the cause is, with more or less formality and certainty, stated in the warrant.

And again, in that middle case which will become the subject of discussion here, neither exactly civil nor criminal in its character, in the case of attachment, no doubt all Courts, and as this Court has held with respect to both Houses of Parliament, no doubt those high deliberative assemblies in this country must have the right to issue process directing imprisonment for contempt. That is the mean case between civil and criminal cases; but even there, whether it be a superior or inferior Court of Justice which issues the process for contempt, under which the subject is to be imprisoned, the cause is stated upon the warrant; it either states the matter of contempt, or it states the contempt, and that the party about to be imprisoned is apprised by the warrant of the cause for which he is to be imprisoned. As regards analogy, therefore, looking to the whole course of our law and practice, there is no instance, from whatever authority it emanates, in which a warrant is sent for the imprisonment of any subject of this realm, without the cause appearing upon the face of it.

Now, my Lord, with regard to the present warrant, your Lordship will observe that it is destitute of all the qualities which such a warrant ought to possess. It is recited that the House of Commons had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, and that the Serjeant-at-Arms was accordingly ordered to take him into custody; but for what? Has he been guilty of contempt, over which the House has jurisdiction, or is any offence stated over which it may be doubtful whether it has jurisdiction or not? It is not stated in the warrant that he was charged with an offence; it is not stated that he is suspected of any offence. How is the party, who is about to be arrested, under a warrant of this nature, who sees the officer of the House of Commons taking him by the collar, and about to imprison him, who asks for his warrant, and who hears this warrant read to him, to know whether he is authorized in resisting the warrant or not? Undoubtedly, my Lord, if the House of Commons possesses an absolute, unlimited, uncontrollable, and as it must be, irresponsible power to arrest any and every subject of the realm, with or without cause, inquiry is vain; the man about to be arrested by such warrant must submit to the law. He must say this is a body having power over every subject of the realm, and whether they have a right to arrest me or not, I must yield. But unless they have that right to arrest with or without cause, with or without purpose and object, and to carry a party to one place or another in the kingdom, to arrest at their mere will and pleasure, a mere caprice,—unless they possess that power generally and universally, and uncontrollably, and unconditionally, this warrant cannot be maintained.

If the warrant had recited that any charge of contempt had been made against the plaintiff, it would then have raised the question whether the House of Commons has a power never assumed or claimed by any other Court in this realm, of arresting upon mesne process upon a charge of contempt. It would have raised the question, not whether they have a right, which is admitted, to commit him upon a contempt found and adjudged, but to arrest a man to answer a charge of contempt. But there is nothing even of that sort stated. This arrest might have been for the purpose of calling upon the plaintiff to answer for a charge of felony; it might have been for the purpose of fining him; it might have been for any other purpose perfectly illegal which the House of Commons has no power by law to carry

Appendix, No. 3.

Argument.
15 November 1844.

Mr. *Kelly.*

carry into effect. Nothing is said; it is a mere unconditional simple mandate to the officer to arrest a subject by its warrant.

Again, my Lord, when I refer to the authorities,—and they all depend, I may thus early inform your Lordships, upon the fair and true construction of Magna Charta,—when I refer to the authorities bearing upon the validity of the various warrants under which the subject may be arrested and imprisoned, your Lordships will find not only that the cause must be stated,—whether the offence with more or less particularity must not be specified may be doubted,—but the cause must be stated, and likewise there must be something to indicate to the officer arresting, and to inform the party arrested what is to be done with him. It must not be only a warrant to arrest him by his body; it must be to take him to Newgate till he shall be delivered in due form of law; to bring him to the bar of the Court, to take him to the Queen's Bench for one month, or till he shall pay a certain fine, or enter into certain recognizances, or pay a debt in civil cases. There must be something upon the face of the warrant to show the object of the imprisonment, so as to enable the party to learn how he is, if ever, to get out of prison. Whereas here your Lordship finds there is no intimation whatever. It is not to bring him to the bar of the House of Commons, there to answer to a charge against him; that would have been intelligible. Whether such a warrant would have been good or bad would have been another question; but with regard to the term of imprisonment, the conduct to be pursued by the officer to his prisoner, under the direction to do that, would have been apparent and sufficient. If the warrant had said that he was to be brought to the House of Commons to answer a charge, the plaintiff would have known that upon being brought to the bar, he might end his imprisonment, if he cleared himself, or otherwise he must incur the consequences; that there the warrant would end. But, my Lords, that is not the case here, and this is not an immaterial consideration, bearing in mind what we know of the proceedings of the House of Commons. The warrant specifies no term of imprisonment; it does not point out what is to be done with the party; it authorizes the officer to arrest and imprison until the House of Commons shall interfere, or make further order upon the subject. This party might have been in Cornwall or Northumberland when the warrant was delivered to the Serjeant-at-Arms, and between the time of the delivery of the warrant and the apprehending of the prisoner the plaintiff, the House of Commons might have adjourned; they might have adjourned from July to January, and what then is to be done with the prisoner? Here is a man against whom no offence is charged. It is not merely that he is not found guilty of an offence, but he is not even charged with an offence. He is not told in what manner he may have offended the House of Commons, or have violated the law, or have seemed to have violated the law. Here is a man perfectly guiltless, having no means of understanding why he is imprisoned arrested and kept in prison from July to January, without having the means of knowing why he is imprisoned, or how his imprisonment is to end, unless it is by a prorogation of Parliament.

Again, another test, and an infallible test, by which to try the validity of this warrant. Unless the Habeas Corpus be a dead letter, unless it be a mockery and delusion, any man being arrested under a Speaker's warrant, or any other warrant of that nature, may bring himself before this Court or any other Court, and if it appear that his imprisonment is illegal, he may be discharged; if it appear that the cause of his imprisonment is doubtful, or that circumstances exist which render such a course necessary, he may be admitted to bail. But the Habeas Corpus Act requires the Court to ascertain why the subject is deprived of his liberty. But how can the plaintiff avail himself of the Habeas Corpus here? A man might on the 1st of July, the House having adjourned for six months, have been arrested upon this warrant; he might have brought himself up by Habeas Corpus before this Court, or any judge of this Court, in order that it might be determined whether his confinement was legal or not. How is this Court to ascertain that? The Serjeant-at-Arms produces his warrant, as he did in the case of the Sheriffs of London, some years since, when a proceeding took place, not perhaps unconnected with the circumstances which have given rise to this action. The Serjeant-at-Arms appeared and produced his prisoners, and he produced his warrant, but that was a warrant committing parties for contempt; there your Lordships were enabled to judge whether the sheriffs were lawfully imprisoned. It appeared that they were imprisoned; we could not tell indeed what the contempt was, but they were committed by warrant of commitment from the Speaker, for a contempt over which the House of Commons possessed undoubted jurisdiction, and your Lordships held the imprisonment legal, and that you could not inquire further, and your Lordships accordingly remanded them to their custody. But if this plaintiff, having been arrested under this warrant, had come before this Court, and called upon the Court to discharge him on the ground that it was unlawful, how would this Court, upon a warrant authorizing the Serjeant-at-Arms to arrest Thomas Burton Howard by his body, without saying for what cause, or for what reason, be able to determine at all whether he is unjustly or unlawfully deprived of his liberty or not?

I take it, my Lord, therefore to be of the very essence of a warrant, or other writ or other instrument, under which any person in this kingdom is imprisoned, that it shall state the cause of the imprisonment, so as to enable the judge of a court of law to determine whether that cause is sufficient; because, my Lord, the alarming consequence necessarily follows, if that which has been here done, can be legally done, not only that that Act of Parliament, for which our ancestors so long and at last successfully struggled, the Habeas Corpus Act, becomes utterly nugatory and inoperative; but, my Lord, I do not see why imprisonment of any subject of the realm may not last for ever, if any officer, under any authority, can arrest

people

people under a warrant specifying not only no offence, but no cause whatever. It is by the accident only of this officer being the officer of the House of Commons, whose existence for the purpose of the imprisonment of the subject is at an end, upon a prorogation or a dissolution; it is from that accident only, that this person might not be perpetually imprisoned under this warrant, without the possibility of obtaining relief by law. And if therefore, the Sovereign were to claim a power similar to that which must be claimed by the House of Commons, if this warrant be a valid warrant, inasmuch as the function and legal exercise of the Sovereign does not cease upon a prorogation or dissolution of Parliament under a warrant in this form issued by the Sovereign or any of her ministers, the consequence would be, that the party must be imprisoned for life, without, under the Habeas Corpus Act, or any other law or statute of this realm, the possibility of obtaining his liberty.

Now, my Lords, I will proceed to call your Lordships' attention to some authorities bearing upon the question of what warrants are sufficient to deprive a party of his liberty. My Lords, there is a very recent case, which I refer to at once, because it is possible that it might, for one purpose, be adverted to on the other side, the case of Candle *v.* Seymour, in 1st Queen's Bench Reports, page 889. That was a case of trespass and false imprisonment, and the plea was, "Not guilty by the Statute;" and it was there held that a justice's warrant, commanding the constable "to apprehend and bring before him the body of A. B., to answer all such matters and things as, on Her Majesty's behalf, shall be objected against him on oath by C. D., for an assault committed on C. D., is bad, as not showing any information on oath upon which the warrant issues." The warrant in that case was, "I do hereby, in Her Majesty's name, command you and every one of you, upon sight hereof, to apprehend and bring before me, or some other of Her Majesty's justices of the peace for the said county, the body of Robert Candle, of Brighton, in the said county, surgeon, of whom you shall have notice, to answer to all such matters and things as, on Her Majesty's behalf, shall be objected against him on oath, by Mary Ann Warner, of Brighton aforesaid, single woman, for an assault committed on her, the said Mary Ann Warner, at Brighton aforesaid, on the 24th day of August instant herein.—Given under my hand and seal, at Brighthelmstone, in the said county, the 26th day of August, A.D. 1839"; and that was signed by the magistrate, "William Seymour." Now, my Lord, that warrant was held illegal, and this was in an action, not against the officer, but against the magistrate; and the magistrate claimed to aid, by averment, what did not appear upon the warrant itself, that is, to show that he had jurisdiction to arrest; but, my Lord, it was held that the warrant was bad, and would not justify the defendant. Lord Denman observes, "The warrant is clearly insufficient; it does not state any information on oath, or that the fact was really committed. But then it is said (and the argument raises a question of great importance) that although the warrant was irregular, the justice was still protected against an action of trespass, having, as a magistrate, jurisdiction over the offence. But his protection depends, as my brother Coleridge has observed, not on jurisdiction over the subject matter, but jurisdiction over the individual arrested. To give him that jurisdiction there should have been an information properly laid. Here, the defendant went with his clerk to the complainant's residence," and so forth; then your Lordship enters into the facts of the case; and it was held that the magistrate acted without jurisdiction.

Now, my Lord, here the warrant was clearly held bad; it was sought, on the part of the magistrate, who was made a defendant, to show that he had jurisdiction, but it appeared that he had no jurisdiction. Your Lordships did not determine the question whether, if he had jurisdiction, your Lordships would have been justified in authorizing the party to act under a bad warrant. But, my Lord, even supposing that it were so, the warrant in question is not like that in Candle *v.* Seymour, that is at least authorizing the officer to arrest the party, specifying this much, that it is to answer charges to be alleged against him, because it might be contended, if the warrant was to arrest the party to answer charges to be alleged against him, the party issuing the warrant has jurisdiction over the matter of those charges, and that there the jurisdiction and the right to arrest would sufficiently appear, though the offence itself might not be specified. But in this warrant, your Lordship observes, nothing of the kind appears; not only is no offence stated, so as to enable the Court to determine whether the House of Commons has jurisdiction over that offence, but it is not stated that the party is to be brought to the bar of the House of Commons to answer to any charge whatever. It is not that he is to appear at the bar of the House of Commons to answer to a charge to be made against him. That case points to the raising of a question upon which, possibly, your Lordships, important as it is, might not have any great doubt; but even if that question were raised, and determined in favour of the defendant, this case would fall far short of that authority in favour of the validity of the warrant, because this warrant is destitute of what that warrant contained, there being a direction to bring the party before the Court to answer to charges made against him. This is not to bring the party before the House of Commons to answer to any charge over which the House of Commons had jurisdiction, as this magistrate undoubtedly had jurisdiction; it is not a warrant to bring the party to the House of Commons to answer to any charge; it is a mere simple authority to seize and imprison the plaintiff.

But, my Lords, I will now at once call your Lordship's attention to that high, I may say the highest authority, which I conceive is perfectly decisive of this question; I mean an authority no less than that of Magna Charta; and I refer to Coke's 2d Institute, in his reading upon Magna Charta, and particularly upon these words: "*Nullus liber homo capiatur vel imprisonetur aut disseisietur de libero tenemento suo, vel libertatibus vel liberis consuetudinibus suis aut utlagetur, aut exuletur, aut aliquo modo destruatur nec super eum ibimus,*

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Appendix, No. 3.

Argument.
15 November 1844.

Mr, *Kelly*.

nec super eum mittimus nisi per legale judicium parium suorum, vel per legem terræ." My Lords, it will be found when the law upon this point is attentively considered, that no right exists at the present day to arrest for one moment any subject of this realm which did not exist at the time of the passing of Magna Charta, unless that right has been created by a subsequent statute. Now I need not say that no statute has given a right to the House of Commons to arrest and imprison anybody in this kingdom upon a warrant in this form, to arrest and imprison anybody without cause assigned; and the question will be, therefore, whether, under the words *per legem terræ*, a party can be arrested under a warrant from the House of Commons in the form of that warrant which is now before your Lordships. I need not waste a word upon the earlier expressions here, "*Nisi per legale judicium parium suorum.*" That, of course, alludes to the case of the trial by his peers of a person arrested. Here there has been no trial; the party has not been put upon his defence, and therefore these words will not apply. Now with regard to the power to arrest *per legem terræ*, there are, as I have taken the liberty of submitting to your Lordship, various modes of arrest upon which no matter of doubt can exist. There are the arrests upon mesne process and in execution in civil cases; there are the arrests by the high superior courts of justice upon the warrant of commitment for trial, and warrant of commitment for execution after conviction in criminal cases, and there are the well-known cases common to the superior courts, and indeed to many others, of committal for contempt. But with regard to the form of the warrant the law is laid down by Coke, page 52, in Coke's 2d Institute, in his reading upon Magna Charta.

Lord *Denman*.—Is it A. or B.?

Mr. *Kelly*.—The Second Institute, my Lord, is not divided into A. or B. "If a man woundeth another dangerously, any man may arrest him by a warrant in law until it may be known whether the party wounded shall die thereof or no. If a man keep the company of a notorious thief, whereby he was suspected, &c., it is a good cause and a warrant in law to arrest him. If an affray be made, to the breach of the King's peace, any man may, by a warrant in law, restrain any of the offenders, to the end the King's peace may be kept, but after the affray ended they cannot be arrested without an express warrant. See now the statutes 1 & 2 Philip and Mary, c. 13, and 2 & 3 Philip and Mary, c. 10. Now seeing that no man can be taken, arrested, attached, or imprisoned but by due process of law, and according to the law of the land, these conclusions hereupon do follow:—1st. That a commitment by lawful warrant, either in deed or in law, is accounted in law due process, or proceeding of law, and by the law of the land as well as by process by force of the King's writ. 2d. That he or they which do commit them have lawful authority. 3d. That his warrant or mittimus be lawful, and that must be in writing under his hand and seal." That is alluding to the magistrate. "4th. The cause must be contained in the warrant, as for treason, felony, &c., or for suspicion of treason or felony, &c.; otherwise if the mittimus contain no cause at all, if the prisoner escape it is no offence at all; whereas if the mittimus contained the cause, the escape were treason or felony, though he were not guilty of the offence; and therefore for the King's benefit, and that the prisoner may be the more safely kept, the mittimus ought to contain the cause."

Then, my Lord, a little further on, on the next page (p. 53), one of the great reasons is given for this necessity that the warrant should show the ground of the arrest; and that is, that if unduly arrested the party may obtain his relief by Habeas Corpus. It is said, in page 53, "The like writ to be granted out of the Chancery, either in the time of the Term (as in the King's Bench) or in the vacation, for the Court of Chancery is *officina justitiæ*, and is ever open and never adjourned, so as the subject, being wrongfully imprisoned, may have justice for the liberty of his person as well in the vacation time as in the term. By these writs it manifestly appeareth that no man ought to be imprisoned but for some certain cause, and these words, *ad subjiciendum & recipiendum*, &c., prove that cause must be showed; for, otherwise, how can the Court take order therein according to law?" Now, my Lords, I pray your Lordships' attention to what is thus laid down: it is in his reading upon those words in Magna Charta, it is in showing under what warrant and in what form parties may be lawfully arrested and imprisoned; and then, adverting to the writ of Habeas Corpus (and that was, I need not say, before the Great Habeas Corpus Act), Sir Edward Coke, after observing that no man ought to be imprisoned but for some certain cause, asks, "for otherwise, how can the Court take order therein according to law?" And I would ask here, my Lords, if the plaintiff, being arrested under this warrant, brings himself before your Lordships under the Habeas Corpus Act, or under the common law, and asks for a writ of Habeas Corpus, and your Lordship looks to the warrant to determine whether he is lawfully imprisoned or not, in what manner of way can your Lordship ascertain the cause why the man has been arrested? It brings it to the alternative which I have ventured to suggest, that if this be a good warrant, specifying, as it does, no offence, and no charge of any offence, it must follow that your Lordships, upon a party bringing himself before the Court upon a Habeas Corpus would remand him into his former custody, and why? Because the warrant is good. And why is that warrant good? What would that proposition import? It would import this, that there being no offence charged, and no offence stated, the House of Commons may arrest any subject of the realm without any offence, without any charge, and without any cause whatever. I see no escape from that alternative, and I therefore call the attention of my learned friend, who is to answer me upon this occasion, to the consequence, as I submit it, which would arise if this Court should hold upon Habeas Corpus that this is a good warrant. Upon what grounds can it be held to be a good warrant, except upon the ground that the House of Commons possesses a power by the law and constitution of this realm to arrest any man without cause shown, without any offence?

Sir

Sir Edward Coke thus proceeds: "And this doth agree with that which is said in the Holy History, *Sine ratione mihi videtur mittere vinctum in carcerem et causas ejus non significare.* But since we wrote these things, and passed over too many other Acts of Parliament, see now the Petition of Right, anno tertio Caroli Regis, resolved in full Parliament by the King, the Lords Spiritual and Temporal, and the Commons, which hath made an end of this question, if any were."

And, my Lords, I may take this occasion, before I go further, to refer to what is said by Blackstone, 1st Blackstone, page 175, in referring to the Petition of Right; because imprisonment under a warrant of this description is just as direct a violation of the terms of the Petition of Right as of Magna Charta. Blackstone, after speaking of personal security, says, "Next to personal security the law of England regards, asserts, and preserves the personal liberty of individuals." Then, after detailing what personal liberty is, he observes, "In this kingdom it cannot ever be abridged at the mere discretion of the magistrate, without the explicit permission of the laws. Here again the language of the Great Charter is, that no freeman shall be taken or imprisoned but by the lawful judgment of his equals, or by the law of the land, and many subsequent old statutes expressly direct that no man shall be taken or imprisoned by suggestion or petition to the king or his council, unless it be by legal intendment or the process of the common law. By the Petition of Right, 3 Car. 1, it is enacted, that no freeman shall be imprisoned or detained without cause shown, to which he may make answer according to law." The language of the Petition of Right here applies, I venture to assert, without a single exception, to every species of warrant, civil, criminal, or mixed, under which the liberty of the subject may be for one moment restrained. The language is plain, clear, and intelligible; no freeman shall be imprisoned or detained without cause shown, to which he may make answer according to law; and I deny that there is any one warrant or instrument known to the law, whether emanating from the Crown or the Ministers, from the high superior Courts of Justice, or from inferior Courts of Justice, or from whomsoever emanating, in which cause is not shown where an authority is conferred to arrest and imprison the subject; and this warrant of the House of Commons would become a signal exception if the defendant should obtain your Lordships' judgment to-day. Here is the Petition of Right founded upon repeating in still more explicit language, many centuries afterwards, when the law had undergone many changes, the same enactment as is found in Magna Charta, "That no freeman is to be imprisoned or detained without cause shown, to which he may make answer according to law."

Then here, my Lords, I ask the party being brought into this Court, or any other Court, upon Habeas Corpus, and reciting the Petition of Right, and citing Magna Charta, which require the party who keeps him in custody to produce a warrant, stating the cause for which he is kept in custody, where is the cause in this warrant? I repeat that I am not upon a question of form. It is not a question, which has been debated in some other cases in this Court, whether the House of Commons is bound by all the technical rules that all tribunals, and particularly inferior tribunals, may be bound by. That is not the question here. But the question is, whether, in defiance of Magna Charta, and in defiance of the Petition of Right, the House of Commons can assume, and exercise, the power of imprisoning the subject at its pleasure, without cause shown? It is not a question of form, or a question as to the mode in which one or more offences may be alleged or suggested; that is not the point in dispute; but it is whether, without any offence or charge, or cause appearing upon the instrument, they can, notwithstanding these Acts of Parliament, imprison any subject, and deprive him of the benefit of Habeas Corpus?

My Lord, there is something more in Coke's reading upon the same statute, in page 55 of the same Institute: "Now it may be demanded, if a man be taken or committed to prison *contra legem terræ*, against the law of the land, what remedy hath the party grieved? To this it is answered, first, that every Act of Parliament made against any injury, mischief, or grievance, doth, either expressly or impliedly, give a remedy to the party wronged or grieved, as in many of the chapters of this Great Charter appeareth, and therefore he may have an action grounded upon this Great Charter, as, taking one example for many, and that in a powerful and a late time, Paschal 2, Henry 8, Coram Rege Rot. 538, against the Prior of St. Oswin, in Northumberland. And it is provided and declared by the statute of 36 Edward 3, that if any man feeleth himself grieved contrary to any article in any statute, he shall have present remedy in Chancery (that is by original writ) by force of the said articles and statutes. 2d. He may cause him to be indicted upon this statute at the King's suit," and then "he may have an Habeas Corpus out of the King's Bench or Chancery, though there be no privilege, &c., or in the Court of Common Pleas or Exchequer, for any officer or privileged person there, upon which writ the gaoler must return by whom he was committed, and the cause of his imprisonment; and if it appeareth that his imprisonment be just and lawful, he shall be remanded to the former gaoler; but if it shall appear to the Court that he was imprisoned against the law of the land, they ought, by force of this statute, to deliver him; if it be doubtful, and under consideration, he may be bailed." Then again, my Lords, I ask, assuming that a writ of Habeas Corpus had been issued to the Serjeant-at-Arms, and he had returned the warrant under which he alleges in these proceedings he has acted, under which he alleges that he has imprisoned, and does imprison, the body of the plaintiff, what would have been the duty of this Court? If it appeared that the cause of imprisonment was just and lawful, the plaintiff would be remanded; but otherwise he would be discharged. What is the cause stated? There is no cause. It is an absolute order to imprison; it is an imprisonment without cause, and apparently without end, except upon prorogation or dissolution.

My Lords, with regard to warrants of magistrates, the only approach to an exception to the

Appendix, No. 3.

Argument.
15 November 1844.

Mr. *Kelly.*

the strict rule laid down by Lord Coke, in his Commentary upon Magna Charta, that I am aware of, is this. Undoubtedly, it was thought by Lord Hale that in some cases of great and enormous crimes, a magistrate might justify the apprehension and imprisonment of a person without specifying the offence; that is, merely by assuming a warrant to apprehend the party to answer to whatever shall be objected against him on the part of our Lord the King; that, no doubt, was thought by Lord Hale; I believe founded upon a passage in Dalton. It is quite unnecessary to consider whether that is good or bad law, because this is not a warrant to apprehend the body of the plaintiff to answer to such matters as shall be objected against him, either on the part of our Lord the King, or the House of Commons, or any other person or any other body of persons; it wants that requisite which these warrants, informal as I believe they are, possess.

My Lords, if that were a good and sound doctrine, that a magistrate might justify imprisonment by a warrant calling upon the person arresting to apprehend the party to answer such matters as might be objected against him, Lord Hale, and Dalton, and Hawkins, and all who allude to this doctrine, strictly confine it to "cases of great and enormous crimes." Now we know that the House of Commons has no jurisdiction in the case of great and enormous crimes; the only jurisdiction possessed by the House of Commons, for the imprisonment of a party, is for the maintenance of its own privileges, and that is the power of imprisoning for contempt for disregarding its authority, and that can hardly be called a great and enormous crime; and therefore, even if such a warrant were lawful, this warrant could not be brought within the meaning of the doctrine.

Mr. Justice *Coleridge.*—Have you the reference to Lord Hale?

Mr. *Kelly.*—It is, my Lord, in page 111 of Hale's 2d Pleas of the Crown. My Lords, I conceive that that doctrine, even if correct, is inapplicable here, because it cannot be pretended that this is any case of great and enormous crime at all, or that the House of Commons can possess or claim any jurisdiction in respect of great and enormous crimes; and also, this warrant has not even the matter which appears upon the warrants, for the legality of which Lord Hale seems on that particular occasion to have contended. The warrant is not to answer to any charge which shall be objected against him at all; it contains nothing of that kind.

But, my Lords, I apprehend that upon the better authorities the doctrine itself cannot be maintained; it has long ceased to exist. We know that it did exist during part of the 17th century, in the reigns of James and Charles, when it was really quite impossible from the practice to know what the law was; when the law was disregarded even by courts of justice, and by the most habitual violation of the law among the people. It prevailed only during that period of the 17th century, and it has now ceased by common consent; a totally different form is now in use. No man is apprehended but upon a specification on oath, and a specification of the charge, whether murder or some other felony, in the warrant; that was a practice, therefore, which prevailed in bad times, when the law was disregarded, and it has ceased when the law and the practice of law improved in this country.

But, my Lords, it never was the law; and all the better authorities join in condemning it. Lord Coke, in referring to it, at page 591, says, "Also if a man be indicted of treason, or indicted or appealed for felony, the capias thereupon, whereby the party is to be arrested, comprehendeth the cause: *à fortiori*, the mittimus whereby the party is to be arrested, having no such ground of record as the capias hath, must, pursuing the effect of the capias, comprehend the cause, inconvenient certainly; 25th Edward 3." Here, my Lord, I must observe that Lord Coke does what Lord Hale does not. Lord Hale gives no authority, except, indeed, the form in Dalton's Justice; but Lord Coke gives the 25th of Edward 3, fol. 42, pl. 32, "There ought to be a certain cause;" and in the same leaf, pl. 35, "In case of breaking of prison, the cause of imprisonment ought to be shewed." Then, "If a man be indicted *quod felonice fregit prisonam*, &c. generally, it is not good, for the indictment ought to rehearse the specialty of the matter according to the statute, that he, being imprisoned for felony, &c. *fregit prisonam.* We have quoted many other books which, though they be not so certainly reported as might have been wished, yet the judicious reader will gather fruit of them; but see, before the exposition of Magna Charta, cap. 29, *verbo, Aut per legem terræ*, and observe well the words of the writ of Habeas Corpus for a direct proof that the cause ought to be shewed." This, my Lord, is a remarkable proof of the depth into which the doctrine of our law had sunk into the mind of that eminent authority, that even while he is upon a totally different subject, he adverts again to Magna Charta. He adverts to that prominent reason, that by the writ of Habeas Corpus, the legality of the imprisonment of any person may be brought in question. He says, "Lastly, see hereafter, in the exposition of the statue of *Articuli Cleri*, the resolution of all the Judges of England, the answer to the 21st and 22d Objections, which we will in no sort abridge, for the excellency thereof, but refer you to the fountains themselves. Hereupon it appeareth that the common warrant or mittimus to answer to such things as shall be objected against him, is utterly against law." Now here we have Sir Edward Coke, at a period when the laws were more respected and more accurately observed; just before that time when both Parliament and the people began to run wild into all manner of excesses, we have Sir Edward Coke, deliberately founding himself upon this reason, saying, "It appeareth that the common warrant or mittimus to answer to such things as shall be objected against him, is utterly against law." It is quite clear, therefore, that that learned author throughout that work, indeed I may say throughout all his works, holds tenaciously the doctrine that every warrant by which a subject is imprisoned at all must specify the cause of imprisonment.

The same doctrine, my Lord, is to be found in Lambard's Justice, 2d book, chapter 2, page

page 87, "It is meet that the precept for the peace do expressly contain the clause of the peace within it, for otherwise how can the officer or party take knowledge that a surety must be provided for it; yea, (by the way, let me say it,) every precept (made by a justice of the peace) ought to comprehend the special matter upon which it proceedeth, even as all the King's writs do bear their proper cause in their mouth with them; and as for their form that is now commonly used (to answer to such things as shall be objected, and such like,) they were not fetched out of the old learned precedents, but lately brought in by such as either knew not or cared not what they writ." Your Lordships will find, therefore, looking at the history of this country, that the only approach to an exception to the rule that the offence must be specified upon the warrant, be it what it may, under which any one is imprisoned, arose about the time of Charles the 1st; that it ceased with the reign of James the 2d; that it, indeed, was countenanced by some during that period, but that it was condemned at the beginning of that period by Sir Edward Coke, and that it has been condemned ever since by every writer who has treated on the subject. And we further find from this learned author, that he says it is a practice not derived from the old and learned precedents, and it is against law.

Before I quit the comments of Sir Edward Coke, I will refer your Lordship to another observation of that author, bearing upon another subject, to which I have already alluded upon this point, that the warrant does not state where the party is to be brought, where imprisoned, or until what time, or how he is to be delivered by law. There is no conclusion and no indication to the officer as to what he is to do with his prisoner. Now Lord Coke says, in the same page, page 52, "The warrant or mittimus containing a lawful cause, ought to have a lawful conclusion; viz. and him safely to keep until he be delivered by law, &c., and not until the party committing doth further order; and this doth evidently appear by the writs of Habeas Corpus, both in the King's Bench and Common Pleas, Exchequer, and Chancery," "him safely to keep until he be delivered by law." I do not say that that is necessarily the form; under certain statutes he is to be kept till a certain time; he is to be kept until delivered in due course of law, or till he shall have taken his trial. But, my Lords, it is necessary that the warrant should state till what event he is to be kept in custody, or otherwise it would amount to an imprisonment for ever; and, moreover, there is no guide to any sheriff or any officer, what they are to do with him, or how long they are to keep him; and if there were no other irregularity than that, that, I apprehend, would be a fatal one.

My Lords, this not only appears by Sir Edward Coke, but there is the case of Groome *v.* Forrester, in 5th Maule & Selwyn, page 314, which shows the importance of these words in any warrant under which a person may be imprisoned; that was a case in which there was a conviction by two justices, under statute 17 Geo. 2, c. 38, upon complaint of the overseers of a parish against the late overseer, for refusing and neglecting to deliver over to them a certain book belonging to the parish, called the Bastardy Ledger, convicting him of the said offence, and adjudging that he should be committed to the common gaol, to be safely kept until he should have yielded up all and every the books concerning his said office of overseer belonging to the parish, was held void as to the adjudication respecting the imprisonment for excess, the same extending beyond what was previously required of the person convicted; and a warrant of commitment founded on this conviction, and directing the gaoler to keep him, in the terms of the adjudication, was also holden void *in toto*, for which trespass and false imprisonment would lie against the justices, although the conviction had not been quashed." Your Lordships will see that the substance of that case is, that the party was properly convicted, and might have been properly committed until he should deliver up the book called the Bastardy Ledger; but in the warrant the framer of it had introduced the words, "this ledger and all other books belonging to the parish." The commitment was held void *in toto*, because there was no authority to keep him in prison after he should deliver the book in question. The judgment in that case (I mention it without intending to go through the whole of it) contains a reference to a great variety of cases, showing that in all warrants of commitment, under which one man has acquired a right to imprison another, the term must be stated. It is matter of substance, and must be matter certain, so that the party may not be imprisoned one moment longer than the law requires.

I see, among other cases that are mentioned, there is Bray's case, reported in 5th Modern, 308, and 1st Salkeld, 348, and in the margin of Carthew, "One Bracy was committed by Commissioners of the Statute of Bankrupts, for refusing to answer; and they concluded their warrant, that he be committed to prison, there to remain 'until he conform himself to our authority, and be thence delivered by due course of law,' and upon the return of a Habeas Corpus, he was discharged, because this conclusion was not pursuant to the Statute of Bankrupts, and the Mayor of Northampton's case was cited for an authority. In Lord Raymond's report it is laid down that if he had been committed until he should conform to their authority in the special matter, it had been good; and of that opinion was Lord Holt, and he said that the word 'submit' (which is the word in the statute, and not 'conform') does not mean an act of humble submission, but only to make answer to the question proposed. In Salkeld's Reports, the Court held the word 'conform' instead of the word 'submit,' to be well enough, because it was of the same sense; but because the Commissioners had other authorities besides that of examining, and it did not appear but that it might require a submission to them in other respects, and for that all powers given in restraint of liberty must be strictly pursued, and in this case they had but a special authority and must not exceed it, they held the return nought." Then, my Lords, there are a great number of cases cited, in which, when there was some difficulty in the conclusion of

Appendix, No. 3.

Argument.
15 November 1844.

Mr. *Kelly*.

the warrant, as to the time during which the party was held in custody, the whole commitment was held void upon an action for trespass and false imprisonment, and it shows this, that no warrant can be good in law unless it has some conclusion, pointing out to some officer or gaoler in whose custody he is to be, for how long a time, or until what event he is to keep his prisoner; and it is a striking defect in this warrant that it is simply and merely, "You will take into custody the body of the plaintiff," without any of those matters being specified, without which I venture to submit to your Lordships, especially looking at the proceedings of the House of Commons, your Lordships cannot hold the warrant to be good. With regard to this plaintiff, the officer is ordered to take him into custody; he is not ordered to bring him before the House within a certain time, or to bring him before the House at all; it is an order to the officer to take and keep him in custody till they shall be pleased further to order; and that, upon the very terms of Coke's Commentary upon Magna Charta, is utterly void.

My Lords, it is hardly necessary to cite further authorities upon this point, with regard to warrants, but I find, during the last century, when the evil practice which had prevailed during part of the previous age had ceased, Mr. Justice Blackstone, in conformity with what Sir Edward Coke had held with regard to warrants of commitment, in the 4th volume, page 300, says, "Upon the whole, if the offence be not bailable, or the party cannot find bail, he is to be committed to the county gaol by the mittimus of the justice, or warrant under his hand and seal, containing the cause of his commitment, there to abide till delivered by due course of law." And I should observe, my Lords, that throughout the fourth volume of Blackstone, and wherever else Blackstone refers to any warrants, whether for apprehension or commitment for trial, or upon oath, he invariably adopts the principle of Sir Edward Coke, that the matter and cause must be stated, and I am not aware of any book of authority, certainly there is no modern authority, in which the doctrine is attempted to be supported; but I do not think that in any ancient book, the validity of a warrant to apprehend a party to answer to all such matters as shall be objected against him, even in cases of great and enormous crime, is supported by anybody but Lord Hale, founded upon a passage in Dalton, and I believe it is likewise found in Hawkins.

Now, my Lords, this is the state of the law, as far as it can be collected from any authorities with regard to warrants of commitment; with respect to process in civil cases, under which a party can be arrested, I need not go into any detail; I may observe, in a word, the whole analogy of the law goes to establish the doctrine, that no warrant can be valid without specifying the cause. If it be a writ, the name of the plaintiff is specified and the debt, and there is the time when the party is to answer the return of the writ. So in execution, the name of the plaintiff and the debt, the Court, and the time and place, are all specified, so that any Court or Judge upon seeing the writ, whether in mesne process or in execution, can determine whether it is valid or not—can determine whether it authorizes the imprisonment of the party, and do justice accordingly. So with regard to criminal cases, the analogy is perfect. In warrants of execution, it is quite clear that the offence is distinctly stated, whether it be a commitment before execution for a criminal offence, or before transportation, or commitment for any term of imprisonment, the offence is always stated; and so with respect to commitments upon summary conviction before magistrates, the offence is invariably stated.

It remains, my Lords, only that I should notice the practice with regard to contempts, and it is more important to advert to that practice, because I apprehend the only jurisdiction that the House of Commons possesses at all to imprison a party, is upon a contempt committed—a breach of privilege, and a contempt. Now, my Lords, here again your Lordships will observe that there is a total departure from the practice pursued by all superior Courts. All tribunals having the power to attach, can imprison for contempt. Let us see what is the practice in this Court, and it is the same in all Courts. Your Lordships, undoubtedly, are not fettered by forms, and I agree that the House of Commons ought not to be fettered by forms with respect to contempts; but if a party be charged with contempt, he is called upon to answer. If he be charged with anything the not answering to which would be a contempt, he still is called upon to answer. If he does not appear, or, if appearing, he gives no sufficient answer, the Court adjudges him to be guilty of contempt, then there is a warrant of commitment against him for contempt. So that if the plaintiff, instead of being arrested by an officer of the House of Commons without any cause, had been arrested by an officer of this Court for a contempt, the warrant would have been produced, and it would have been in the usual form. It is a rule or order of this Court that he shall be attached for his contempt aforesaid, specifying the nature of it. I agree that it need not do it, either in the case of this Court or of the House of Commons; although it may be suggested that the House of Commons has escaped a determination upon the legality of their conduct in imprisoning various subjects of this kingdom, by avoiding all mention of the contempt, simply resolving that the party has been guilty of contempt, and committing the party for contempt; but such a warrant is good in this Court, and that is the form adopted by this Court. If a party be guilty of contempt, and this Court adjudges him guilty, they then attach him for such contempt. The warrant, in express terms, shows upon the face of it that he is attached and imprisoned by this Court. Then what is the consequence if it be done by this Court? He sues out a writ from this Court before the Lord Chancellor, or before the Court of Common Pleas, or the Court of Exchequer; the gaoler brings up his warrant, and upon that warrant it appears that the party was committed for contempt. Then the Court, whether the Lord Chancellor or any other Court, would say, "We cannot enter into the question of whether the party is guilty or not guilty; we must give credence to the Court of Queen's Bench.

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It appears upon the face of the warrant that he was imprisoned for contempt, and his imprisonment, therefore, is lawful."

But here, my Lords, there is no contempt, there is nothing stated; and I beg to ask,—and I am at a loss to conceive an answer that would not be fatal to the defendant,—Upon what principle is the House of Commons to depart from the practice binding upon all Courts, binding even upon the Sovereign? Supposing a party to have been guilty of contempt, or charged with it, that they should be able to apprehend without stating what is the cause, when every other Court of Law, acting according to law, is bound to state that upon the face of the warrant? It cannot be, therefore, that your Lordships are to presume that this warrant was issued against the party for contempt; if it were, it ought to have stated it, as it would have done if that had taken place in this Court. Your Lordships can only look to what is stated upon the face of the warrant; and upon the face of the warrant no contempt appears; no charge whatever appears.

My Lords, there are reasons which, no doubt, would have occurred to your Lordships' minds why it is essentially necessary for the protection of the people of this country against an invasion of their liberties by the House of Commons, or any other body, that the cause for which the party is imprisoned under their authority should appear expressly upon the warrant of commitment. My Lords, if an ordinary constable arrested a person under a warrant from a magistrate, and it were to be held that the Court would not look with so much particularity into the warrant, provided the magistrate had jurisdiction, still it is open to the subject to say that he has his remedy against the magistrate. If the magistrate cause the constable to apprehend and imprison a party, and the warrant upon the face of it be doubtful, it might be that the constable might be held protected; but then the party has his remedy against the magistrate, and unless the magistrate had jurisdiction, and has acted lawfully within his jurisdiction, he is liable to an action, and the party aggrieved will obtain redress. But, my Lords, no such redress can be obtained from the House of Commons. The majority of the House of Commons may order any man to be imprisoned for anything that they may think aggrieves them. It may be done for a party purpose, or it may be done for the wisest and most honourable purposes. I quite agree that your Lordships are to presume nothing against them, but at the same time you are to presume nothing in their favour. A majority of the House of Commons may, without any offence, without anything committed against the public, charge a man with contempt, and order him to be imprisoned; they are liable to no action for what they do, they are irresponsible by law; it is only against their officer that the party aggrieved can proceed. Fortunately they cannot act in their own persons, and, therefore, whenever they attempt to invade the property or person of the subject, they must act by their minister and agent, and if the Courts will not hold a tight hand over their minister and agent, by whom they exercise their power, there is no protection against any degree of tyranny on the part of the House of Commons. You may have protection against an individual magistrate, or against a Secretary of State, but you can have no protection against the House of Commons. It is a continually changing body, and a totally irresponsible one. Therefore if upon one subject of the realm being imprisoned by the order of the House of Commons, which is in truth the order of the majority of the House of Commons, the validity of their act is not to depend upon the warrant under which the imprisonment takes place, I say the liberty of every man in this realm lies at the mercy and caprice of the House of Commons. They may imprison whom they will, and as long as they will, and may do any other act touching the liberty or the life of the subjects of the realm, and unless the minister and agent is responsible, the party is without redress; his responsibility must depend upon the authority upon which he acts. It is therefore only upon the warrant under which the defendant has acted on this occasion that the question can arise. If that warrant be bad upon the face of it, and does not justify him, he must be liable, redress must be sought and obtained against him, or there is no redress at all. If upon this warrant, supposing it bad, the officer is not liable to any damages, then there being no remedy against the House of Commons, the party may be imprisoned for any indefinite period without redress. My Lords, I submit, therefore, that upon the whole of the authorities to be found in the law with respect to either civil process or criminal process, or to the process by attachment, there is no instance to be found in which any man has ever been held to be lawfully imprisoned under any writ, warrant, or instrument whatever, without that warrant setting forth the cause of his imprisonment. I venture to call upon my learned friend to contradict or disprove that statement in any one particular, to bring before your Lordships any one single instance, be it a writ, warrant, distress, or any document or instrument known to the law under which it had ever been held in any Court of Justice that a party could be lawfully imprisoned, which has not in some way or another set forth the cause of imprisonment, so that the party, if there be no sufficient cause, might be released upon habeas corpus, and if there be a good cause, upon appeal to that court for writ of habeas corpus, the imprisonment shall be held lawful and he shall be remanded to his original custody.

Now, my Lords, I have already called your Lordships' attention to what is the practice of any Court, the proceedings of which we have any knowledge of, and I would venture to say that your Lordships have any knowledge of, in regard to writs in civil and criminal process, and I say that in no one case is there any such thing as a general warrant to arrest. The Court of Queen's Bench never issued such an order; no Court in Westminster Hall ever issued such an order. Upon a charge of contempt, or a conviction of contempt, no such thing was ever heard of as a general warrant or order to seize and imprison the party.

But, my Lords, let us see, as far as we can collect from books of authority, or from precedent, what has been the practice of the House of Commons, and I think your Lordships will find, that though commitment, or I should say, imprisonment of the subject by the House

Appendix, No. 3.

Argument.
15 November 1844.

Mr. *Kelly.*

House of Commons, has been over and over again brought under the attention of the Courts of Westminster Hall during the present and the last century, and even during earlier periods, in no one instance is it to be found that there ever was a warrant for the imprisonment of a person in these general terms, at least, not recognized or held valid by any Court of Justice. My Lords, it will not be necssary for me to go into the numerous authorities on that point, because in Sir John Campbell's argument in the case of Stockdale *v.* Hansard, I believe, after a minute research, that learned person brought under the attention of this Court every instance to be found in which a party has been imprisoned under the order or authority of the House of Commons, and in which the instrument justifying his imprisonment had been brought under the consideration of a Court of Law. He begins with Pye's case, which is in 5th Howell's State Trials, and there it appears that when Sir Robert Pye, who had been committed by order of the Parliament, was brought before the King's Bench on habeas corpus, and Judge Newdigate asked the counsel for the Commonwealth why it should not be granted, they answered that they had nothing to say against it; whereupon the Judge, "ashamed to see them so unfaithful to their trust," replied, that "Sir Robert Pye being committed by an order of the Parliament, an inferior Court could not discharge him." But that, my Lord, was a committal for contempt; I say nothing of the time when this took place, or how far the law at that time was adhered to, or how far the decisions of the Courts are to be respected.

Then we come to more settled times. There is the case of Lord Shaftesbury, in 1st Howell's State Trials, 1269. Lord Shaftesbury was committed by the House of Lords, not by virtue of a general warrant, not by an instrument stating any offence at all, but "for high contempts committed against this House." There again was a committal for contempt: I do not enter into the objections to the validity of that commitment. It is one among other instances which we find where the House of Lords has caused a party to be imprisoned, but never under a general mandate like this, but a committal for contempt.

Again, there is the celebrated case of The King *v.* Paty, in 2d Lord Raymond, 1105. There a party was committed by a Speaker's warrant, for having (contrary to the declaration, and in contempt of the House of Commons) brought an action against the rate constables of Aylesbury, for disallowing his vote in the election of Members to Parliament. There the question arose, the nature of the contempt being stated, whether it was a contempt or not; and the Court said that that could not be inquired into, but if inquired into, it was held to be a sufficient contempt. But there it was a commitment for contempt, it was not an order to imprison without cause shown, but what the House of Commons deemed to be a contempt of their privileges.

Again, my Lords, in Alexander Murray's case, which is in 1st Wilson, 299. It appears that Murray had been committed by the House of Commons for contempt. That again is a committal for contempt.

So in Brass Crosby's case, 3d Wilson 188, the party was committed by the House of Commons for a contempt in holding their messenger to bail for having executed their warrant. There, again, there was a conviction of contempt, and a committal for contempt.

So in the case of Alderman Oliver, which was the same in its circumstances with that of Crosby, it was a committal for contempt.

The King *v.* Flower, which is in 8th Term Reports, page 314, was a case in which the party had been committed and fined by the House of Lords for a breach of their privileges, in publishing a libel on the Bishop of Llandaff. The House of Lords had found the party guilty of contempt, in publishing a libel upon one of their body, and the party was committed for contempt.

In the case of The King *v.* Hobhouse, one of the most modern, Sir John Hobhouse was committed for contempt, in publishing a libel. So that your Lordships find, in all those cases in which the proceedings of the House of Commons, the warrant of the House of Commons for the imprisonment of parties, has come under the attention of this Court, it has never been a warrant in general terms, without specifying any offence, but it has been a warrant of commitment for a contempt found and adjudged against the party. I would beg leave to repeat, that while I do not deny the power of the House of Commons to try a party guilty of contempt, to adjudge him guilty of contempt, and to find him guilty of it, and commit him for that contempt, I do venture respectfully to deny their right to imprison for any cause; and above all, to imprison without specifying any cause whatever.

My Lords, the next question that arises is, whether, supposing this warrant to be bad by reason of its containing no offence, and no cause wherefore the party is to be imprisoned, and no time or event until which, or when, he is to be imprisoned, the defendant can fall back upon the averments in the plea, and can aid the case of his warrant by any matter in those averments? And I submit to your Lordships that he cannot.

In the first place, your Lordships will observe that by this declaration the defendant is charged with having imprisoned the plaintiff. The defendant by his pleas admits that he has imprisoned the plaintiff; he justifies that imprisonment by this warrant, which he sets out, and he then alleges in direct and distinct terms that it was by virtue of the warrant that he arrested and imprisoned the plaintiff. Now can he add to it? Can he depart from it and substitute anything, or can he add to it, or show that there existed a real cause *aliunde* or in addition to the warrant? We have only to look to analogy for a single moment to see that that cannot be. I know of no difference, for the purposes of responsibility in imprisonment, between an officer of the House of Commons and the sheriff, or any other officer of this Court. Now, my Lords, suppose for a moment that the sheriff had arrested the body of a person upon a writ of *capias ad satisfaciendum*, and it appeared upon looking at that writ that it specified no sum; it specified no time or event until the occurrence of which the party was to be imprisoned; that it was a *capias ad satisfaciendum* in its usual form, except that

that it contained no sum, no return, and no information to the officer as to what he was to do with the person imprisoned; it is perfectly clear that such a writ would be void. Suppose an action for false imprisonment brought against the officer and the sheriff, and he justifies; and suppose he alleges a judgment recovered by A. B. against the plaintiff for 1,000 *l.*, that that judgment in all respects justifies the issuing of a writ for 1,000 *l.* at the suit of a particular party against the plaintiff; and then he alleges the writ in question, and that under and by virtue of that writ he arrested the body of the plaintiff; can it be contended for one moment that if that writ be void, the sheriff can go back to the judgment, and say, True it is, this writ specifies no term of imprisonment, and no place; it contains no direction what I, the officer of the Court, was to do with the party arrested; it is void; but then I will show a good judgment; I will show that there was a proper authority for me; that there was a writ of *capias ad satisfaciendum*, and an award against the party for the sum upon which I imprisoned, and upon the payment of which I would have allowed him to depart? That would not be held good upon the authorities to which I have called your Lordships' attention. Every officer who has arrested any party under a writ, or under any document of authority, must set that forth in the warrant, and if he fail to do that, his justification fails; he cannot go back and show circumstances upon which a good warrant might have issued, or show circumstances upon which a good writ of *capias ad satisfaciendum* might have issued. Neither here can the defendant show any order made by the House of Commons under which a good warrant to apprehend the plaintiff might have issued. I apprehend he cannot do that, and, were it otherwise, the inconvenience to which I have called your Lordships' attention would follow; that supposing, for a moment, the plaintiff had committed contempt, for which he was liable to be committed and imprisoned by warrant of the House of Commons, still, if the warrant under which the defendant proceeds to arrest him be void on the face of it, he is not bound to yield. He might well say, If you had produced a warrant charging me with contempt, and authorizing, on the part of the House of Commons, my body to be imprisoned for contempt, I would have yielded obedience to it; but the warrant specifies something which is no offence, or over which the House of Commons has no jurisdiction, and therefore I am warranted in resisting it. The sole question, I apprehend, for your Lordships to decide is the validity of the warrant upon the face of it, under which he might have applied for a habeas corpus to be discharged, and which warrant ought to put your Lordships in a position to know whether he was lawfully imprisoned or not; and I apprehend that the defendant cannot refer to the averments in the plea and say that this was done under and by virtue of the privileges of the House of Commons.

But, my Lord, I will assume, in order to raise the third question——

Mr. Justice *Coleridge*.—Before you pass on, in an action against a magistrate who has committed a party where the plea is the general issue, is it not usual to put in a good conviction as the answer, supposing the warrant was bad? That would be an analogous case upon pleading.

Mr. *Kelly*.—It would be precisely analogous, my Lord; but the difference is this: there the action would be against the magistrate, and he would put in the conviction to justify himself, to show that he did it by virtue of a good conviction.

Mr. Justice *Coleridge*.—But there is a bad warrant.

Mr. *Kelly*.—I will come, my Lord, to that point; that would be the case if we were now suing the House of Commons, or the Speaker of the House of Commons. I will take the case that we were not suing, as we now do, the officer who pleads the warrant, but the magistrate who had issued the warrant. I apprehend that if the magistrate, having pleaded the general issue, were to put in the conviction, that would not be enough, because it was not the conviction that imprisoned the party. Look, my Lords, to what it is that the plaintiff complains of. The plaintiff complains, not that the magistrate has committed him, that is done lawfully, but that he has been imprisoned by his body. I will suppose that the magistrate who has imprisoned him by his body was, in answer to that, to put in the conconviction——

Mr. Justice *Coleridge*.—I do not say how the law is; but is it not a common notion, that a bad warrant is aided by a good conviction? It is a common opinion.

Mr. *Kelly*.—Not, my Lord, where the magistrate has issued a warrant. It is quite clear that if the magistrate issues a bad warrant, the party has his remedy against the person who arrested him and the person who causes him to be arrested, because it is not the conviction that he complains of, which is perfectly right. It is exactly the case I have put of a writ of *capias ad satisfaciendum*. The judgment is good, but the *ca. sa.* is bad. If the party be arrested under a void writ, he has his action, though there may be a good judgment against him. So here the party has his action for a void warrant, though the conviction may be good. It would, my Lord, be dangerous to lay down any general propositions upon the subject. I must have a more specific case before I can answer it; for I can imagine a case where a magistrate would be justified by a good conviction. But supposing, in a summary conviction under Act of Parliament, authorizing a party to be imprisoned for any period not exceeding 30 days, there were a good conviction and a sentence that he be imprisoned for 28 days, and founded upon that a warrant that he be imprisoned for two months, the magistrate who commits the party is liable, because there is no judgment to authorize——

Mr. Justice *Coleridge*. There the warrant would exceed the conviction; but supposing the warrant defective in matters of form, as it often is; suppose the warrant states nothing at all of the cause, and yet it would appear upon the conviction that the magistrate had jurisdiction to commit in the case of that particular person?

Mr. *Kelly*.—Unless a precise case were put, I should be sorry to be obliged to answer it; but I take it to be clear that it would depend upon this: "If upon the mere conviction the magistrate himself could order the party to be imprisoned by parol without writing, and

Appendix, No. 3.

Argument.

15 November 1844.

Mr. *Kelly.*

there is a verbal order independently of the writing, then probably the magistrate would be justified; but if there be a conviction, in order to carry which conviction into effect there must be a warrant, in writing, for the protection of the gaoler, who is to receive the party if that warrant be bad, and the party has been illegally arrested, though there has been a conviction under which he may be illegally arrested, there is no instance where the warrant being bad, a good conviction has been held to be a justification to any one who causes the warrant to issue. The case which is of very common occurrence, is the case of convictions by magistrates. If the magistrate has jurisdiction by a lawful commitment, and he issue a proper warrant, he is not liable to trespass; but if the body of a person is arrested under an improper warrant, though it is a good conviction, everybody assisting to arrest him is liable to trespass; and everybody who causes his arrest is equally liable. If there is any case of exception, if it is cited, I hope I shall be able to answer it; but I am unable to give such a case. It is no answer to say cases exist where, if you had issued a valid warrant, the party would have been liable to arrest.

I am not quite sure that I correctly apprehend what has fallen from your Lordship, because the fact is, that it is not the course for the magistrate to rest upon the conviction. If we look to the partial course taken, we shall see how it arises that the magistrate puts in his conviction. The plaintiff is obliged to put in the warrant in order to fix the magistrate in the same way as in an ordinary case. To show his authority the magistrate puts in the conviction; but if the party has been arrested under a void warrant, surely the conviction will not justify the magistrate. Take the case which I mentioned, of Groome *v.* Forrester; there was "a conviction by two magistrates, under statute 17 Geo. 2, c. 38, upon complaint of the overseers of a parish against the late overseer, for refusing and neglecting to deliver over to them a certain book belonging to the parish, called the Bastardy Ledger, convicting him of the said offence, and adjudging that he should be committed to the common gaol, to be safely kept until he should have yielded up all" the books belonging to his office. I will see, my Lord, whether there was any distinction taken there between the warrant and the conviction. Lord Ellenborough says, "The imprisonment complained of was the commitment of the plaintiff to the common gaol at Shrewsbury, under the warrant of the defendants, as magistrates, founded upon a conviction of the plaintiff, as late overseer of the parish of Broseley, in that county, which conviction was had before the defendants, under the 17 Geo. 2, c. 38, against the plaintiff, for not delivering over to the succeeding overseers of the parish a certain book belonging to the parish, called the Bastardy Ledger, in breach of his duty under that statute, which required him to deliver over all such sums of money, goods, chattels, and other things, as should be in his hands to such succeeding overseers. In case of his refusal or neglect so to do, the statute authorizes two or more justices of the peace to commit him to the common gaol until he shall have paid and yielded up such monies, goods, chattels, and other things in his hands. The conviction, as far as relates to the withholding of the particular book in question, the offence charged in the information, is correct." There, my Lords, the conviction was bad. I think it will be found upon a variety of cases (one of which I will refer to in a moment, of Morse *v.* James, in Willes' Reports, page 122) that the validity of a conviction in trespass will be a good defence to a magistrate or anybody else who has done no more than convict; but that if the magistrate be a party to the execution of a warrant, which warrant is illegal, the conviction is no defence at all, because it is not the fact of the conviction, but of the arrest under the warrant that the party complains of.

The case, my Lords, of Morse *v.* James was this: "An officer of an inferior Court may justify acting under process which is only voidable, but not under void process. Errors in process in inferior Courts cannot be amended under statute 8 Henry 6, chap. 12 and 15. Officers justified under a precept, stated to bear date 26th February, issuing out of a Court held 24th February, held that the process was void, and the justification bad. A sheriff, who justifies under a returnable writ, must show it returned, though his bailiffs need not." Then there are various queries: "Whether it be not necessary for the officer of an inferior Court, to whom its precepts are directed, to show a precept under which he justifies returned? If in such case he do not, but rely merely on the precept itself, whether it be necessary for him to conclude the plea *prout patet per recordum?* But if he do show the return as well as the precept, the plea must so conclude. When an officer of an inferior Court justifies under a precept to take the goods of A. B. in execution, the precept and return are not merely inducements, but of the substance of the justification. Though an officer is justified in acting under erroneous process, it must be in a case where the Court out of which it issued had jurisdiction. Defendant justified as an officer of an inferior Court for trying, &c. causes touching mines and miners within a certain district; the plea was holden bad, because it did not allege that the defendant below was a miner 'at the commencement of the suit below,' but only 'when the execution issued.' If the plaintiff in an action in an inferior Court, or a mere stranger justify under process, he must set forth the proceedings at length, otherwise the plea is bad, not only as it respects him, but the officers of the Court also, who join with him in the plea." I do not know, my Lord, that there the judgment was at all impeached upon which this process issued. But I take it, my Lord, to be clear, that even in cases against a magistrate, no authority will be found to the contrary of this, that where a magistrate has been, by issuing a bad warrant, the cause of a party being imprisoned, he can only justify himself, not by a good conviction, but by showing that the imprisonment was lawful, and that if that imprisonment be by virtue of a warrant, which warrant is not good, he fails in showing that he is not liable.

But, my Lords, this again is not the case of an action against a magistrate; this is not an action against the principal parties, the House of Commons, and it is an additional reason why your Lordships should watch seriously the process under which the party here has acted.

acted. It is an action against the officer of the House of Commons. He sets up as his justification the warrant, and if the warrant is bad the justification fails; and I submit to your Lordships that he cannot then fall back upon the proceedings of the House of Commons with a view to justify himself; if so, I do not see why an officer who has arrested a party upon a void warrant, a warrant generally to arrest, without stating any offence, can justify himself by showing that there was a conviction upon which a good warrant could issue. To return to my argument, I will suppose the case of a sheriff acting upon a writ of execution, which writ of execution is void upon the face of it; could the sheriff go back and show, that though the writ of execution upon which he has acted is void, there was a good judgment, which would have warranted a good writ of execution issuing for the same purpose? I apprehend he could not. So here I apprehend that it is not competent to the defendant to fall back upon any averment in these pleas, and say that anything that has been done by the House of Commons will justify the arrest which has here taken place, unless the warrant which he sets forth as his justification be good upon the face of it; otherwise, one sees in a moment that this direct inconvenience would follow: It might well happen that the House of Commons had adjudged a party guilty of contempt, for which he would be liable to be imprisoned, but that the warrant specified an offence over which the House of Commons had no jurisdiction; what would be the result if he came and complained of having been imprisoned? The defendant would plead a warrant charging felony: the plaintiff would allege, "The House of Commons has no jurisdiction over a felony." It would not do to say, "True, but you were guilty of contempt, and therefore this warrant is good." I submit, therefore, upon every principle of reason as well as of law, that the defendant must stand or fall by the warrant, and that he cannot call in aid any of the matters stated in this plea to justify his imprisoning the plaintiff.

But now, my Lords, let me suppose for a moment, on the matters set forth in the pleading, that it were the House of Commons justifying the imprisonment of the plaintiff upon the various matters stated on one or other of those pleas, I submit to your Lordships that there is nothing in these pleas authorizing the House of Commons to arrest and imprison the plaintiff at all.

My Lords, the facts in the pleas differ, but I believe they will be found in legal effect to be substantially the same. In the first and second pleas, the facts relied upon are, that certain matters were under discussion in the House of Commons upon which it was thought necessary to examine the plaintiff; that he was summoned to attend, and that he contemptuously refused to attend; and that therefore an order was made, not that he was guilty of contempt, and that he was imprisoned for that contempt, but an order was made that he be brought in the custody of the Serjeant-at-Arms, to the House of Commons. I am not upon the warrant, which I have for the present purpose done with, but the proceedings of The House. The order states that a charge of contempt had been made against him in the House of Commons, that he had notice of the charge, and was called upon to attend, that he disobeyed and refused to attend, and that thereupon the said order issued that he was to be brought up by authority of The House, in the custody of the Serjeant-at-Arms. Your Lordship observes, the substance of the averment in the one plea is, that matters were under discussion on which it was desirable to examine him; and, in the other, that a charge of contempt was made against him, for which he was called upon to answer; that he refused to come, and that therefore they proceeded to take him into custody in order to bring him to the bar.

Now, I submit to your Lordships that the House of Commons has no power by law to arrest or imprison any of the Queen's subjects by what might be fairly termed mesne process at all. They have no right to arrest a party, in order to compel him to be a witness to be examined; they have no right to arrest a party, to compel him to answer to a charge. They have a right, and that is the course which I apprehend they ought to have pursued,—they have a right, undoubtedly, to summon to the bar of their House, any of the subjects of this realm, to assist them in their deliberations, to give evidence either upon an election petition, or before the Committees of the House, or in the House itself, for any of the great purposes for which the House is assembled. They have undoubtedly a right to summon a party to attend before them. They have a right, for disobedience of their summons, if he refuse to attend, to punish him. They may do as your Lordships do; your Lordships subpœna a witness, and if he fails to attend, you may decree that he is guilty of contempt, and for that contempt punish him by committal to prison. The House of Commons must do the same; they may summon a party as a witness, they may summon him to appear upon a charge of contempt; if he refuse to appear they may adjudge him guilty of contempt for his refusing to appear; or for matter *aliunde* they may find him guilty of contempt, and upon adjudging him guilty of contempt, they may imprison him or commit him for that contempt, but they can do no more. And if your Lordships were to decide, looking at the allegations of this plea, that the House of Commons had the power to arrest and imprison under the circumstances stated in that plea, it would be at the outset to recognize a power in the House of Commons of imprisonment, not recognized in any court of law, or any other power. And I apprehend your Lordships would pause before you would judicially recognize any such right in the House of Commons or any other body of persons. I again refer, for this purpose, to that which is laid down in Magna Charta: no one shall be imprisoned but by the law of the land? How are we to know the law of the land? By statutes and decisions. There are abundance of decisions in the last two centuries in which this Court and other Courts in Westminster Hall have recognized the power of imprisonment in the House of Commons, and have recognized the right of the House of Commons, upon adjudging a party guilty of contempt, to commit him for that contempt. But they have never recognized the right, and I am not aware that it has been claimed, to arrest and imprison upon mesne process, or the right to compel a party to answer to a charge. And your Lordships will find, looking to the analogy of the case how

Appendix, No. 3.
Argument.
15 November 1844.
Mr. *Kelly*.

how different is the power claimed by the House of Commons from any other power exercised by any other Court, or any authority in the land. The House of Commons may call upon a party to answer to a charge, and then upon his refusing, commit him for contempt; just as if the party were subpœnaed by a writ of subpœna, issuing out of this Court, to attend before this Court upon the trial of a cause, and he contemptuously refused to appear, the Court might adjudge him guilty of contempt. But this is a totally different case. Your Lordships will observe, upon this record it is not alleged that the party ever was adjudged guilty of contempt.

My Lords, see what the course is in the Court of Queen's Bench under like circumstances; this Court possesses the same power to compel the attendance of witnesses upon the trial of a cause, by subpœna, as the House of Commons possesses to compel the attendance of a party upon any proceeding before them, to be examined, to give evidence, or, if you please, to answer to a charge; a subpœna is issued, which is like the summons or order to attend which appears in these pleas. Where the subpœna is contemptuously disobeyed, what is the course? Can your Lordships issue a warrant to apprehend a party either generally or to bring him into the witness-box to give evidence? Clearly not. There is no such power in the law; it never was exercised; it never was claimed. But the proper course is this: the course is, if a subpœna is issued, if it has been duly served, and the party has had due notice, has been called upon, so that it became his duty to appear to give evidence, and he has failed to do so, that fact is brought before the Court on affidavit, as it might be before the House of Commons in evidence, as is the constant practice; the party is called upon to show cause why he should not be found guilty of contempt, and attached for that contempt; and either for not appearing at all, or not showing a sufficient cause, he is adjudged guilty of contempt, and the writ of attachment issues. If here, my Lord, it had appeared upon this plea that the plaintiff was called upon to attend the House of Commons as a witness, or to answer a charge of contempt, or for any other lawful purpose, and that, having notice, he refused or neglected to attend, and then the House of Commons had proceeded to consider the contempt so committed, and having given him an opportunity of answering that charge of contempt, had adjudged him guilty of contempt, either for default or non-appearance, or upon his appearance, showing an insufficient cause, and they had then issued a warrant, no doubt that would have been good cause to justify the imprisonment, and he would not be discharged on habeas corpus. But that is not the course here; he has never been tried for contempt, either by default or upon appearance; he has never been adjudged guilty of contempt, and consequently no warrant of commitment by the House of Commons, or attachment, as we should say in this Court, can issue.

And here I pray in aid the authorities cited by the Attorney-general in the argument of Stockdale *v.* Hansard, in which eight or ten instances occurring during the last century and a half, ending with the case of Sir John Hobhouse, were brought under the attention of the Court, in which parties had been imprisoned by the House of Commons; and upon applications for a habeas corpus before this Court, what was the result in every one of them? No right was claimed by the House of Commons to apprehend them upon a charge, and to bring them by force to give evidence as a witness, or to bring them by force to compel them to answer to a charge; nothing of the kind throughout; the whole imprisonment was founded upon an actual judgment and adjudication that they were guilty of contempt, and then the warrant of commitment issuing upon that judgment. So that, my Lord, the analogy of proceedings in Courts of Justice with regard to witnesses, with regard to charges of any kind, is completely against what is here contended for. This Court could no more, I apprehend, issue a warrant to apprehend parties to bring them to the bar of this Court, or into the witness-box of this Court to give evidence, than they could apprehend a party without cause shown at all. The ordinary course pointed out by law, and I apprehend it is the same course that is binding upon the House of Commons (there is no authority by law to the contrary), is that, if a party be summoned, if he fail to appear, he must be called upon to answer for not appearing, and before he can be imprisoned, he must be adjudged guilty of contempt. There is nothing of the kind here, and consequently these facts would furnish no ground of justification. The House of Commons, by their officer, if they rely upon this averment in the plea, must claim not only the power which has been hitherto exercised, the power of commitment for contempt found and adjudged, but they must claim the power of apprehension by mesne process, and of imprisoning a party in order to compel him to answer to a charge. Now, my Lord, that is perfectly novel; it is totally unsupported in precedent, totally without any authority; and when we look to what the nature of contempt is, and how long the doctrine of the punishment by law for contempt by the various Courts has prevailed, if we find the law altogether silent as to any power in any Court which may punish for contempt, to arrest and apprehend upon a charge and to bring a party before them to answer to the charge, if we find that that has never been claimed and never exercised by any Court, surely your Lordships will not now, for the first time, recognize it in the House of Commons. That the whole doctrine of contempts is of the most ancient character is perfectly clear, from a case with which all your Lordships will be familiar, the case of The King *v.* Arnold, which is to be found in Wilmot's Opinions, page 253 ——

Lord *Denman*.—That which you are quoting is some other book, containing a report of that case.

Mr. *Kelly*.—What I am quoting, my Lord, is 4th Bingham, Miller *v.* Knox, where the judgment refers to that case, and I quote it on account of the learned Judge's reference to that case, showing, undeniably, that the doctrine of contempts is as ancient as Magna Charta, and showing how the doctrine arose, and how contempts are punished, and what is the

the process that has been recognized by all superior Courts, from Magna Charta down to the present time. If, then, my Lord, we find that the doctrine of contempts is coeval with Magna Charta, if we find from that remote period down to the time of the learned Judges, many of whom, if not all of whom, took part in Miller *v.* Knox—if we find, during the whole of that time, the doctrine of contempts has existed, and that the Courts have invariably claimed and exercised the right to punish for contempts, but that invariably, through that long series of centuries, it has always been done by calling upon the party to show cause why he should not be attached or punished for his contempt, and then, upon adjudication only, he has been punished for it, been imprisoned for it; surely, my Lords, we are not to be told at the present day, that to this practice, which has existed for six or seven centuries, a new feature is to be introduced, and a new power of limitation of the liberty of the subject, and that a Court, and that Court too the House of Commons, the last Court in all the realm to alter the ancient common law of England, is to assume a power never claimed before, not of punishing for contempts found and adjudged, but of arresting upon mesne process, and bringing the party arrested before them to answer to a charge. I am now assuming that the validity of the warrant is laid aside; that the party is at liberty to fall back upon the pleas, and consider whether the matter in the pleas is any justification for the party. The question is, whether the House of Commons has the power of arresting a party and bringing him to the bar, there to answer, or whether they must not try him in his absence, if he contumaciously refuse to appear, or in his presence, if he think proper to appear, and find him guilty before they proceed to imprison him.

My Lords, it is not at all necessary that I should refer at any length to the cases. I find that one of your Lordships now present, Mr. Justice Williams, in page 587 of 4th Bingham's New Cases, Miller *v.* Knox, observes, " Now that the superior Courts of Record especially have been in the habit of issuing such process," that is, process of contempts, " is past a doubt. The issuing of attachments by the superior Courts of Westminster Hall for contempts out of Court (as is observed by Lord Chief Justice Wilmot, in his prepared but not delivered judgment in the case of Rex *v.* Almon), stands upon the same immemorial usage as supports the whole fabric of the common law. It is as much the *lex terræ*, and within the exception of Magna Charta, as the issuing of any other legal process whatsoever." All the other Judges follow much in the same language, showing that this usage of various Courts of Law to commit for contempt, inasmuch as it goes to the imprisonment of the subject, could not be maintained at all, as it is founded upon no intermediate statute, unless it came within the meaning of those words *per legem terræ*, and therefore the power existed by Magna Charta; and what, my Lord, is the effect of that upon the present argument? There is no statute authorizing the House of Commons to arrest upon mesne process for contempt; therefore that right, if it exist, must have existed at the time of Magna Charta. Here are 128 instances referred to of particular kinds of process issued for contempt during the course of centuries, from the time of Magna Charta down to the present time; that is, cases of process of commitment for contempt; but in no one instance, by either the House of Commons or the House of Lords, in the worst times, in good times, or in bad times, was the right ever claimed of committing upon a mere charge of contempt; and that is what is claimed by this plea, if your Lordship looks at the terms of the plea. I do not refer now to the first or second pleas, which are pleas claiming the right to imprison, because the party's presence was desired to assist in some discussion, or to be examined; but I refer to the third and fourth pleas, which claim the right to compel him to come in custody; that is, to compel him to be imprisoned and to appear in person to answer a charge. And, my Lords, if we find that this power of punishing for contempt has existed and been necessarily exercised, and I may say exercised not only well for the Judges, but satisfactorily to the whole people, for whose good alone the law exists at all and is administered at all; if we find that this power of summary conviction and committal for contempt has prevailed and has been exercised from the time of Magna Charta downwards; and if at the same time we find that no tribunal whatever has ever exercised or claimed to exercise the power of arresting a person to answer a charge, upon what pretence, I ask, is it to be said, that the last body in whose favour a new power to imprison ought to be held, the House of Commons, ought to exercise this right? My Lord, I know not whether my learned friend on the other side will address himself to the actual practice of The House as he finds it in their Journals; but this I will say, that if we look to precedents, there are precedents for every crime of every order, from taking off a king's head down to bringing an action of ejectment against a servant of the House of Commons. Therefore I do not look to precedents,—and those, too, the precedents of an irresponsible body, constantly changing,—with a view to abridge the liberty of the subject. I apprehend that it is not their precedents in their own Journals, but precedents which have undergone judicial discussion, and received judicial sanction in the Courts of Westminster Hall, that will alone establish such a right.

If, therefore, your Lordships find, that although undoubtedly the House of Commons possesses the power of punishing upon conviction for contempt, this Court also possesses that power, and has exercised that power for many centuries: yet, when we look at the mode in which it has been exercised, it has been in a way calculated to do justice to those who are to come within the reach of the law; that is, that in all cases, whether it be contempt for not obeying a subpœna, or contempt of any other kind, the course has been to call upon the party to answer; and if he fail to answer, or answer insufficiently, then and then only to commit him for contempt,—I do submit that unless judicial authority and course of law can be shown to support the position, the argument will not prevail before your Lordships this day, that a power beyond that can be recognized in the House of Commons; not a power of first trying and convicting, and then imprisoning a person, but a power

Appendix, No. 3.

Argument.
15 November 1844.

Mr. *Kelly.*

power of imprisoning in the meantime and before conviction, and before, in short, any offence may be committed.

My Lord, with regard to the right claimed in the first and second pleas, I conceive that that can hardly be insisted upon, unless, indeed, my learned friend contends that anything that the House of Commons choose to resolve to be law, shall be deemed to be law. It comes to this; the presence of the plaintiff was desired, in order to assist in certain matters under discussion, therefore he was to attend to be examined; he was called upon to attend, and he refused to do so, therefore they bring him in custody. Now that sort of specific obedience, specific performance enforced by any tribunal, is quite foreign to our law. The House of Commons undoubtedly possesses the power of summoning a witness, so does this Court; but the House of Commons surely possesses no more power than this Court to bring any witness into the Court by his body. He may be punished for his disobedience, but there is no such proceeding which the law has sanctioned, or indeed which has ever been claimed, as that not merely you may summon a party as a witness, and punish him for contempt, but that you may take him by his body, and bring him as a witness into the witness-box. It is quite contrary to all analogy; it was never claimed till it was claimed upon this record; and I apprehend, though in these times we do not dread the exercise of any such power, times have been when the exercise of such a power would have proved something terrible even to contemplate; because if, instead of treating disobedience to a subpœna or a summons to attend as a witness, as a contempt, and punishing it as a contempt, if you are to use physical force, and bring a man into the witness-box, I do not know why physical force may not be used to compel him to speak when he is in the witness-box, and why they may not (not, indeed, according to the English law) resort to torture. I quite agree that the House of Commons may find a party guilty of contempt; but if you are to say that the House of Commons may compel him to come as a prisoner to give evidence, before it has been adjudged that he is guilty of contempt; if you are to say that they may commit him for a contempt preliminary to trying him for that contempt, I do not know why this might not be the first attempt to issue a process under which they would at length, by one step after another, compel him to give evidence whether he would or not. It is enough, however to say, that this is a right which has never been recognized in any Court of Law, and which, I apprehend, your Lordships will not recognize here.

I am unwilling to trouble your Lordships with further quotations, but I ought before I sit down to refer to the decisions of Burdett *v.* Abbot, and of Stockdale *v.* Hansard, as comprising in various parts the views of the Judges who decided those cases. The one is in 14th East, and the other in 9th Adolphus & Ellis, page 1, and those two cases comprise the whole of the law prevailing upon this question; and I think, without wearying your Lordships by referring to the various portions of those judgments, it will be found that with regard to contempt, where a complaint is made that any subject of the realm has committed a contempt against the privileges of the House of Commons, the House of Commons, no doubt, is the sole judge; it is in itself the sole tribunal to try that question. It may try that question; it may call upon the party to answer; it may adjudge the party guilty upon appearing or upon default; and if, having found the party guilty of contempt, they commit him for contempt, and in the warrant of commitment it clearly appears that the party has been guilty of a contempt of the privileges of the House of Commons, the party has no redress. This Court will not sit as a Court of Error upon the proceedings of the House of Commons, but this Court will hold that they have a jurisdiction, that they have exercised it, and that the party must therefore suffer the imprisonment which the House of Commons has awarded against him. But there I apprehend, upon these authorities, the power of The House stops. I do not enter into the question, a painful question should it ever arise, of whether, if the House of Commons imprisoned for contempt, and they stated that contempt upon the face of the warrant of commitment, and that appeared to be something which this Court could not hold to be contempt, but which to hold to be contempt would be an outrage upon every principle of justice, this Court would then liberate the party. That question does not arise here. I am free to admit that the power is recognized of committing for contempt, upon a contempt found and adjudged; but I deny that the right of imprisonment, not by way of sentence upon conviction, but of imprisonment upon a charge, the right now claimed by the House of Commons, has ever been exercised. My Lord, I go further: If, by anything alleged in this plea, your Lordships are again to be told that it is sufficient that it is alleged and admitted upon this plea,—that the House of Commons have taken upon themselves from immemorial usage and custom to issue this warrant, and to make this order directing that a party should be committed,—I answer that it is not by a resolution of the House of Commons, which is only one co-ordinate branch of the Legislature, and that alone, that that can be made law which was not law before, and can be judicially taken notice of; and that is found to be laid down in the case of Stockdale *v.* Hansard; because there it was alleged in the clearest and most distinct terms, that the House of Commons had resolved that it was their privilege and undoubted right to publish the papers which were made the subject of the action. Your Lordships held that they could not, by a resolution of their own, declare that to be law which was not law; they could not create a right which did not exist by law before. So I say here, if your Lordships could hold that there is anything in these pleas amounting to an averment that the House of Commons profess the power to arrest upon mesne process for contempt,—to arrest a party in order to compel him to come and give evidence,—I answer, upon the cases of Burdett *v.* Abbot, and Stockdale *v.* Hansard, it is not their alleging that such is their privilege that will make it their privilege or the law of this country. That has never been held, and your Lordships will not hold it.

My Lords, I have only, before I sit down, to make two observations, rather upon matters of form than with reference to the great matters of substance to which I have adverted. The first is with regard to the House of Commons. Your Lordships will not find that it is anywhere

Appendix, No. 3.

Argument.
15 November 1844.

Mr. *Kelly*.

anywhere directly averred in these pleas that it was the privilege, and so the right by law, of the House of Commons to arrest under the circumstances stated. The mode in which the averment appears is this: that a Parliament was sitting at Westminster; that certain matters came under discussion, in respect of which it was desirable to examine the plaintiff; and that The House, according to the usage and custom of The House, made their order, and afterwards, according to usage and custom, issued their warrant. Now, my Lord, that I apprehend is not a sufficient averment that they possessed any such power by the law of this country, and that it was their privilege to arrest upon mesne process upon a charge of attachment, or that it was a part of the privileges of the House of Commons, and so a part of the law of the land, to arrest and imprison a party in order to compel him to be examined as a witness. It is merely alleged in the ordinary way, that they did this according to usage and custom, but not that it was their privilege to do so. Now I apprehend that when a privilege is claimed, it must be averred to exist in express terms, and that it is no more sufficient to say that this was done according to ancient custom, than it would be, in a document not setting forth what amounted to felony, to allege that an act was feloniously done. It is not sufficient to allege that A. feloniously killed B; that which the law requires to be stated must be stated with all the nicety and certainty which the law requires; so must every other matter which constitutes a privilege against liberty. I apprehend, if such privilege at all could be maintained, it must be averred, and cannot be taken by intendment, or by adjectives and words of description like those which are here introduced.

There is one more point, which in a case of this sort, perhaps, I ought hardly to submit to your Lordships. In the plea, after the allegation that the House of Commons ordered the attendance of the plaintiff, they proceed, "of which the plaintiff had notice." Now, my Lords, I apprehend that if they mean to bring the party into contempt by reason of non-appearance, they ought to allege that he was served with this order, and that it is not sufficient merely to say, "of which he had notice;" which allegation might be proved by a gentleman in the country reading in a newspaper that the plaintiff was to appear at their bar on a certain day. It ought to state that he was served with a notice; and therefore I apprehend the ordinary allegation, "of which he had notice," is insufficient——

Mr. Justice *Coleridge*.—Do you mean personal notice?

Mr. *Kelly*.—That again, my Lord, would depend upon the practice of the House of Commons, of which your Lordships, of course, cannot be the judges. All I can say is, that it ought either to be averred that there was personal service, under the direction of The House, upon the party, or it ought to have been averred that by the usage and custom of the House of Commons, this kind of notice was sufficient; whereas they do not even aver that the notice was according to the usage and practice of the House of Commons: and when we consider that, in order to bring a party into contempt in any of the Courts of Westminster Hall, or any other Court, he must be personally served, one does not see why, supposing the House of Commons not to be bound by the same rules, they ought not at least to have alleged that there was not personal service in the most direct manner, or that some other service took place which was according to the immemorial usage of the House of Commons: but neither is alleged; so that a party is to be imprisoned, brought up from his residence in Cornwall or Cumberland, and brought to the bar of The House, without having received any intimation at all from any officer clothed with authority from the House of Commons, that he was ordered to attend them. These, my Lord, are small matters compared with the greater matter; but in a case of this nature I have thought it my duty to submit them to the Court. On the whole, I do submit to your Lordships, that this warrant, which is necessarily pleaded as the justification of the defendant, is no justification whatever, because it sets forth no offence, no duration, and no time; and further, that the defendant cannot, if that warrant be bad, resort to the averments in the plea, for the reasons I have submitted. But even if he can resort to the averments in the plea, and if your Lordships are, upon those averments, to be called upon to decide the question raised, I submit that your Lordships will not hold for the first time that the House of Commons possess the power of imprisonment claimed in these pleas; a power such as never has been recognized by judicial sanction, and never has even been claimed in any Court of Justice, or by the House of Commons itself.

Mr.
Solicitor-general.

Mr. *Solicitor-general*.—My Lords, from the mode in which my learned friend Mr. Kelly has argued this cause, I cannot help feeling the deepest anxiety in rising to defend the privileges of the House of Commons, which have been directly struck at by the course of my learned friend's argument; privileges which are admitted to exist, privileges which have been acknowledged and recognized from the earliest period, and which are absolutely essential to the public and the important functions with which The House is invested by the constitution; and I must here express the feeling which I entertain, that there appears to be a desire to strike down the acknowledged privileges of The House one by one, by appeal to the judicial tribunals of this country; and that I trust we shall find that protection here which, if we cannot obtain, it will be absolutely necessary that we should resort to the power of self-protection, which however I hope, in the result, it will be found unnecessary to resort to.

My Lords, in arguing this most important question, I trust that I shall never forget the respect which I owe to this Court; but at the same time, I must firmly insist upon those privileges which I am here called upon to vindicate and to defend; and it is quite consistent with the respect which is due to this Court, and which I trust I shall always exhibit, that I should, in the strongest possible manner, insist upon those points which are absolutely essential for the vindication of the authority of the House of Commons.

My Lords, it is necessary that your Lordships should have your attention particularly directed to what it is that you are called upon to decide in this case; and I would therefore entreat your Lordships' patient attention, while I refer you more particularly to the averments

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

averments which are contained in the pleas, and upon which your Lordships' judgment is now required. My Lords, the declaration discloses nothing more than a complaint of trespass and false imprisonment committed by the defendant, of whom of course, in that stage of the proceedings, your Lordships can know nothing. The defendant comes forward to answer that complaint, and then he alleges these matters as his justification: that certain matters and things came on to be discussed and debated, and were under discussion and debate in the House of Commons, in respect of and concerning which it was considered by the House of Commons to be necessary that the plaintiff should be questioned and examined at the bar; that it was ordered by The House, in pursuance of and according to ancient usage and privileges, that the plaintiff should attend The House forthwith; that of this the plaintiff had notice; that he would not attend, but that he wilfully and contemptuously, and without any reasonable cause or excuse, neglected, and refused, and disregarded the said order; that in order to compel the attendance of the plaintiff to be questioned and examined touching and concerning the matters and things aforesaid, it was ordered by The House, according to their ancient usages and privileges, and the law and custom of Parliament, that the plaintiff should be brought before The House in the custody of the Serjeant, and that the Speaker should issue his warrant accordingly; whereupon the Speaker, in pursuance of the order, and according to the ancient usages and privileges of The House, and the law and custom of Parliament, by his warrant reciting the order, which was that the plaintiff should be sent for in custody, required and authorized the defendant, the Serjeant, to take into custody the body of the plaintiff; that the warrant was duly delivered, and so in execution of that warrant the defendant justifies the arrest.

Lord *Denman*.—He took him into custody for the purpose of bringing him to the bar of the House of Commons; that is stated also.

Mr. *Solicitor-general*.—Yes, my Lord; I am very much obliged to your Lordship. The second plea is similar to the first; but the third plea states, "that it was ordered in pursuance of and in accordance with the ancient usages and privileges of the House of Commons, and the law and custom of Parliament, that the plaintiff should attend the House of Commons forthwith, to answer a charge, which has been made against him in The House, that he had been guilty of a contempt of the privilege of The House;" and then it proceeds in the same way as the first plea, that he would not attend, but that he wilfully and contemptuously, and without any reasonable cause or excuse, disregarded the order, and concealed and secreted himself; and in the fourth plea it is stated, that it was ordered by The House, in pursuance of the ancient usages and privileges, and by the laws and customs of Parliament, that the plaintiff should attend The House forthwith; that he had notice, and that he did not attend, but that he wilfully and contemptuously, and without showing any reasonable cause, neglected and refused to do so.

Now, my Lord, to this the plaintiff demurs; he does not dispute any of the facts which are stated in these pleas; he does not deny that there was an order of The House that he should attend, that he had notice of that order, that he did wilfully and contemptuouly refuse to obey that order. He denies nothing whatever, but he demurs to the pleas as being insufficient in law; and it is absolutely necessary that I should call your Lordships' attention to the reasons which are assigned for this demurrer, in order that your Lordships may see the situation in which the House of Commons would be placed, supposing the plaintiff is right in the view which he has taken, and that these causes are sufficient to warrant the answer in law of the plaintiff. He says, in the first place, that the plea does not disclose sufficient authority for committing the trespass; that, although it admits the trespass, it does not show that the defendant was acting under any authority recognized by law; it does not show the nature of the matters and things with respect to which the plaintiff was to be examined, so as to enable the Court to judge of the necessity for his attendance, or that any act had been done to render it obligatory on him to attend, or to confer upon The House any legal power to pass the resolution; nor does the plea show any cause why the plaintiff was not entitled to conceal himself, or why, because he did not attend, he might be apprehended; nor does the plea state that the warrant contained any charge. And the demurrer to the third plea, in addition, states that the plea does not state upon what occasion or how the plaintiff had been guilty of contempt; so that all the facts being admitted by this demurrer, the plaintiff calls upon this Court to decide that the act which has been done by the House of Commons, which is admitted to have been done in pursuance of their ancient usages and privileges, and in accordance with the law and custom of Parliament, is an illegal act; and this in the most degrading, the most offensive, and the most contemptuous manner which can possibly be imagined.

Now, my Lords, under these circumstances I may well feel some anxiety as to the course of my argument and the view which will be taken by your Lordships, and I proceed to address myself to the different points, as they are suggested by the replication in the margin to the pleas; because I think it is absolutely essential that I should clear my way by considering matters of vital importance, before I proceed to the consideration of those three points which have been raised by my learned friend, Mr. Kelly. And, my Lord, the first ground upon which we mean most respectfully to insist before your Lordships is, that we have put upon the record a complete answer to the complaints. What has been alleged is this, that the defendant, being an officer of the House of Commons, is protected by the order of The House, directing him to do to the plaintiff the identical act complained of; and that such an order is of itself, and without more, an answer to the action.

Now, undoubtedly, the latter term of that proposition involves the consideration of the correctness of the judgment in the important case of Stockdale *v.* Hansard. My Lords, appearing as I do before this Court, and being bound to respect your Lordships' judgment, inasmuch

inasmuch as that opinion was delivered after a very able and lengthened argument, and after considerable deliberation on the part of your Lordships, who delivered that judgment, and inasmuch as afterwards, in the case of the Sheriffs of Middlesex, your Lordships each expressed your approbation of that judgment, it would not be becoming in me, upon the present occasion, to enter into the consideration of the propriety of that judgment; I feel that I ought to treat it with that respect which I shall always exhibit to your Lordships, and to every Court before which I practice. But, at the same time, I must be permitted to say, that I must not be taken to be concluded by the judgment in that case; that I do firmly but humbly protest against that decision, in order that hereafter it may not be said that I have acquiesced in the propriety of that judgment; and if ever the matter should come before any other tribunal for determination, that it may be left entirely open to be questioned at a future day.

But at the same time, I feel, my Lords, that this case most essentially differs from the case of Stockdale *v.* Hansard; and I should therefore not discharge my duty if I were not to call your Lordships' attention to the distinction which exists. If the case of Stockdale *v.* Hansard is carefully considered, it will be found that all that was discussed and all that was decided in that case amounts merely to this, that the mere declaration of The House that it possessed a particular privilege, was not conclusive evidence of the fact. There was no allegation in the plea in that case, that that which was then claimed was an ancient usage or a privilege of The House. The demurrer admitted no more than this, that the publication was by authority of The House, and that The House had resolved that it was possessed of that authority; and I should wish to call your Lordships' attention to the observations which were made by some of your Lordships upon the occasion of delivering the judgment in that case. Mr. Justice Littledale says: " I think that the mere statement that the act complained of was done by the authority of the House of Commons, is not of itself, without more, sufficient to call at once for the judgment of the Court for the defendants. The defendants have not pleaded to the jurisdiction of the Court, but have pleaded in bar generally, and so as to raise a question of law or of fact, according as the plaintiff chooses; and I think that this Court is not estopped from investigating the question of law raised by the demurrer to the plea in this action; and I think we are to inquire whether the act of publication has anything to do with the privileges of The House; and if it has, then whether those privileges, connected with the authority given to the defendants, amount to a justification. In the case of Burdett *v.* Abbot, no question was made as to the Court being precluded from investigating the law of the case; they heard very long and laborious arguments, and gave judgment for the defendant. And so also we are at liberty here, and we are not shut out from hearing the arguments and giving such judgment as we consider to be according to law. But it is said that the question of the privilege of the House of Commons comes directly before the Court upon the pleadings, and that therefore, upon all the authorities, it is quite clear it is not competent to this Court to inquire into the question of privilege; and it is said that it is, in effect, the same case in principle as Burdett *v.* Abbot, and that it was there held that the defence being founded upon the order of The House to do the thing complained of, raised the question of privilege directly, and that the Court could not investigate the legality of that order. But this differs very materially from Burdett *v.* Abbot. That was an action against the Speaker himself, for an act done by him in The House. The act done by him was to commit an individual whom The House adjudged to be guilty of a contempt to The House, and who had been for that ordered to be taken into custody, and there was a specific order of The House as to the particular thing to be done; but this case is altogether different; these defendants are not Members of The House, but agents employed by them; the plaintiff is a perfect stranger to The House, he has been guilty of no insult or contempt of The House, and there is no order of The House applicable to him." I point particularly to the expressions used by Mr. Justice Littledale, as showing a distinction between the present case and the case which then came before the Court.

So, my Lord, Mr. Justice Patteson says, " Upon the whole, the true doctrine appears to be this, that every Court in which an action is brought upon a subject-matter generally and *primâ facie* within its jurisdiction, and in which, by the course of the proceedings in that action, the powers and privileges and jurisdiction of another court came into question, must of necessity determine as to the extent of those powers, privileges, and jurisdiction; that the decisions of that Court whose powers, privileges, and jurisdiction are so brought into question, as to their extent, are authorities, and if I may so say, evidences in law upon the subject, but not conclusive."

And Mr. Justice Coleridge in page 217, says, " We are now, however, called upon to abstain from all inquiry in a case in which the existence of the law is not substantively alleged in the plea (for as The House, it is admitted, cannot make the law, the resolution declaring it is only evidence of its existence, and not an allegation of it), where it does not appear that the particular facts have ever been adjudicated on, and where the particular order under which the act complained of was done, is not distinctly brought within the law as said to have been declared."

My Lords, I should say, then, that it is quite clear that even admitting the authority of that case, it does not apply to the present, in which it is expressly alleged that the act done was an act specifically ordered by The House, and in which the act done is also alleged to be in pursuance of their ancient usages and privileges; and that in such a case it is impossible to say that the question of the existence of the privilege being admitted by demurrer upon the record, does not come directly before your Lordships for adjudication. And then I would call your Lordships' attention to the emphatic language of Mr. Justice Bayley, in the case of Burdett *v.* Abbot, in which he says, " Now, as it appears to me, the very object of this action

Appendix, No. 3.

Argument.
15 November 1844.

Mr. *Solicitor-general.*

action is to make a direct attack upon the judgment of the House of Commons, and to bring that matter, and that matter only, into question; and would it not be absurd to say, that though we cannot discharge the party committed from his imprisonment, because that would be directly arraigning the judgment of The House, yet that he shall have an opportunity of recovering by action full satisfaction for lying in prison, and that in giving such satisfaction, the judgment of The House is left where it was? But it seems to me that the giving the party full satisfaction for his imprisonment is, in legal contemplation, to do away all the punishment he has received; and if that be not bringing into question again the judgment of The House, I cannot understand how the point can be more directly brought into question." Your Lordships therefore now are appealed to emphatically in this case, where the privileges of the House of Commons come directly in question before your Lordships; where they are admitted to exist; where the particular act which is brought into question is alleged to have been done by the authority of The House; your Lordships are called upon now by the plaintiff to take a further step in the same direction as the case of Stockdale *v.* Hansard, and to decide that your Lordships have the power to question that act which has been so done by the House of Commons, and, as a Court of Appeal, to determine the legality of that act so alleged and so admitted.

Now, my Lords, I would wish to postpone the consideration of that part of the first proposition to which I have called your Lordships' attention, namely, the protection which the officer, the Serjeant-at-Arms, would receive from the warrant which was directed to and delivered to him, until I have considered the other matters of infinitely more importance in this case; because I confess I should very deeply regret that your Lordships should ultimately decide this great question upon a point so insignificant and of such minor importance as that. I desire now that we are brought here before your Lordships, that the whole matters may be fully considered: I would therefore pass on, my Lords, to the second objection.

Mr. *Kelly.*—Have you a copy of these points? I have never seen them.

Mr. *Solicitor-general.*—There was no application ever made for them.

Mr. *Kelly.*—I understand there was, but I do not wish to raise any question about it; but I should be obliged if you would furnish me with them.

Mr. *Solicitor-general.*—Now, my Lords, the second point to which your Lordships' attention will be directed is this; that it is alleged in all these pleas, and admitted by the demurrer, that all the proceedings against the plaintiff, including the order for his apprehension, the issuing of the Speaker's warrant, and the actual arrest, were in accordance with the ancient usages and privileges of The House, and the law and custom of Parliament. It is, therefore, we contend, impossible for your Lordships to give judgment against the defendant upon this record, without deciding that the House of Commons has no legal right to exercise its admitted powers and privileges.

Now, my Lords, whatever may be the extent of the admission which is made by the demurrer which is put upon this record, with regard to the actual existence of the privileges of the House of Commons, there can be no doubt at all, I apprehend, that there is a distinct and direct admission that all the proceedings were in pursuance of the ancient usages and privileges of The House, the privileges which are claimed by The House and exercised by The House; and my Lords, in the case to which I have already referred, of Stockdale *v.* Hansard, Mr. Justice Patteson puts this very point. In page 204 he says: "Now with respect to the exercise of the power in question, I conceive that such exercise is matter of history; and therefore that the observation of Mr. Attorney-general, that he ought not to be called upon in arguing a demurrer to prove matter of fact, is not well founded. If indeed the plea had stated that the Commons House of Parliament had been used to exercise this power, the demurrer would have admitted the exercise; but no such averment appears upon the face of the plea, and the historical fact of the exercise of the power is introduced by the defendant's counsel himself, in order to argue thence that the power must be legal." And in page 240, Mr. Justice Coleridge, following out the same views, says, "We have been obliged in this case to refer to what looks like evidence in fact, in order to ascertain the law, and evidence naturally bears with a different weight on different minds." Therefore, my Lords, we have in this case that which was wanting in the case of Stockdale *v.* Hansard, because there was no allegation at all that it was an ancient usage or privilege of The House. If there had been any such allegation in the plea, it is admitted by Mr. Justice Patteson that the demurrer of that plea would have admitted the existence of the privilege; and I apprehend, adverting to one of the lighter and minor points which my learned friend has urged upon this occasion, that the existence of this right of sending for a witness, or of sending for any person who can give information to the House of Commons, as being one of the ancient usages and privileges of The House, is sufficiently averred in our pleas, and the mode in which it is averred is not made the ground of any special demurrer. I apprehend, therefore, that it would be a sufficient averment, either upon a general demurrer, or after verdict, that those ancient usages and privileges existed; and if it be so, if there be a sufficient averment to that effect, then, I apprehend, according to the authority of Mr. Justice Patteson and Mr. Justice Coleridge, in the case of Stockdale *v.* Hansard, the demurrer admits the existence of those privileges.

Then, my Lord, I should here take my stand, and I should respectfully ask your Lordships whether you are prepared now to say that in a case of this description, where the ancient usages and privileges of The House are distinctly and sufficiently averred, and where those ancient usages and privileges are admitted to exist by the demurrer which the plaintiff has put upon the record, your Lordships think that that decision in the case of Stockdale *v.* Hansard is an authority that your Lordships have the power to consider, and to question the exercise of this ancient usage and privilege, or whether your Lordships are not prepared

prepared to say, that however you may adhere to the judgment in that case, from the mode in which the question there was raised and submitted to you, this is a totally different case, and that your Lordships have no power to question the exercise of any acknowledged privilege which the House of Commons possesses.

But, my Lords, if your Lordships should feel that you ought not to interpose in this stage of the argument, and if your Lordships should be of opinion that you are competent to decide upon the question so submitted—not generally, as to the existence of privileges which are not averred and admitted, but as to the exercise of a privilege which is averred distinctly, and which is admitted—then I would proceed to call your Lordships' attention to the third point in this case, and to prove by reference to those sources of authority to which we are referred upon questions of this description, that the House of Commons most unquestionably does possess the different privileges or powers (call them which you please) which are alleged in these different pleas, and that they have been exercised from the earliest period down to the present moment, until this case, without any question.

Now, my Lord, the third point therefore is this: the power claimed by the House of Commons in each of those pleas; namely, the first power claimed in the first and second pleas, of compelling all persons to attend The House to be examined upon any matter The House may think fit; and secondly, the power claimed in the third plea, of compelling the attendance in The House of all persons charged with having committed contempt of The House; and thirdly, the power claimed in the fourth plea, of compelling the attendance of all persons in The House without assigning any cause or reason for requiring such attendance, are ancient privileges and powers of the House of Commons, given to them by the law and custom of Parliament, and are absolutely necessary for the due performance of their functions.

Now, my Lords, this of course brings me to the third question which has been raised by my learned friend, Mr. Kelly; and if I understand him correctly, my learned friend says this: the House of Commons may have the power to summon a witness to attend before them to give evidence, either before The House or before a Committee, but if the witness does not attend, they have no power whatever to compel that attendance for the purpose of examination. All that they can do is to pursue the course which is adopted in a court of law upon the subpœna of a witness, that if he refuses to attend, attachment may issue against him for contempt; and my learned friend has been rather bold in some of the assertions which he has made in this part of his argument, and in the challenges which he has thrown out for authorities upon the subject of those assertions; and I trust that I shall satisfy your Lordships that it is only by anticipating that by possibility the different sources of information would not be searched for the purpose of examining the subject, that my learned friend could have ventured to make the statement which he has made with regard, not merely to the powers of the House of Commons, but with regard even to the powers of courts of justice themselves.

Now, my Lords, just let us see for one moment what a futile power that would be which is conceded to the House of Commons by my learned friend arguing for the plaintiff. I apprehend it will not be denied by my learned friend that the House of Commons has the power to originate inquiry in matters of public moment, but that for the purpose of obtaining information to assist them in the discharge of the functions with which they are entrusted by the constitution, that they have the power at least to require the attendance of persons before them, to give the requisite information. But the plaintiff alleges that they have no power to require the attendance of any one unless they inform him what is the matter or thing upon which they require his attendance; and my learned friend says, they have no power whatever to compel the attendance of a party; that if the party should refuse to obey what would amount, under these circumstances, to a mere request on the part of the House of Commons for information, they are utterly powerless; that they cannot compel the party to appear before them, but that they can only proceed as the ordinary courts of law do, by issuing an attachment against the party for non-obedience to a subpœna.

Now just let me for one moment distinguish between the functions of a court of justice and those of the House of Commons. Your Lordships are not a court of inquiry; you cannot originate any investigation of any matter, however important it may appear to your Lordships, but your Lordships' jurisdiction must be brought into exercise either by application being made by some party to your Lordships, or by a suit at law commenced by that party. Your Lordships do not summon witnesses here to give you information; you enable the party to compel the attendance of a witness, in order that he may give information in a suit which the party has instituted, and your Lordships have no power in that particular suit, if the witness does not attend, to send your warrant forth to compel him to appear in court; but your Lordships will consider that his non-appearance is a contempt of your Lordships' process, and you will either attach him in consequence of the contempt, or the plaintiff or party who has suffered from the absence of the witness may proceed against him, and may obtain damages in consequence of his disobedience to the subpœna.

My Lords, just let us see in what terms the authority of the House of Commons is spoken of in this respect by the different authorities to which I shall now refer your Lordships. In Coke's 4th Institute, p. 11, it is stated, "The Commons being the general inquisitors of the realm, have principal care in the beginning of the Parliament to appoint days of Committees, namely of grievances both in the church and commonwealth, of courts of justice, of privileges, and of advancement of trade."

In page 24 your Lordships will find this striking passage, "If any Lord of Parliament, spiritual or temporal, have committed any oppression, bribery, extortion, or the like, the House of Commons, being the general inquisitors of the realm (coming out of all the facts thereof),

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

thereof), may examine the same, and if they find by the vote of The House the charge to be true, then they transmit the same to the Lords, with witnesses and proofs."

Now this power, my Lord, was admitted to exist by Mr. Erskine and Mr. Warren, in arguing the case of The King *v.* Wright, in 8th Term Reports, p. 295. They were there arguing against the power of the House of Commons; "Though the House of Commons may be invested with a right of examining into the existence of high crimes, either for the purpose of impeaching an individual, or of making new laws, it is evident," they say, "that the inquiry in this instance could not have been made for the purpose of impeaching Mr. Horne Tooke, since he had been before legally acquitted of the charge;" and Lord Kenyon says, "But the inquiry made by the House of Commons was an inquisition taken by one branch of the Legislature to enable them to proceed further, and adopt some regulations for the better government of the country."

My Lords, in the case of Burdett *v.* Abbot, which has been referred to by my learned friend, Mr. Kelly, in page 136, Lord Ellenborough says this: "The separation of the two Houses seems to have taken place as early as the 49th of Henry 3, about the time of the battle of Evesham, for I think it is at that period that the first return of knights, citizens, and burgesses, is to be found, and that separation was probably effected, and previously sanctioned, by a formal Act for that purpose by the King and Parliament, as originally constituted; at any rate the very first subsequent Act of Parliament, acting in the two Houses conjointly with the King, operated as a formal recognition of an antecedently authorized separation of Parliament into the two Houses, in which they then and have since sat. The privileges which have been since enjoyed, and the functions which have been since uniformly exercised by each branch of the Legislature, with the knowledge and acquiescence of the other House and of the King, must be presumed to be the privileges and functions which then, that is, at the very period of their original separation, were statutably assigned to each. The privileges which belong to them seem at all times to have been, and necessarily must be inherent in them, independent of any precedent; it was necessary that they should have the most complete personal security to enable them fully to meet for the purpose of discharging their important functions; and also that they should have the right of self-protection. I do not mean against acts of individual wrong, for poor and impotent indeed would be the privileges of Parliament if they could not also protect themselves against injuries and affronts offered to the aggregate body, which might prevent or impede the full and effectual exercise of their Parliamentary functions."

My Lords, the next authority upon this subject to which I refer your Lordships, is the Report of a Committee of the House of Commons in the year 1771, which will be found upon the Journals of The House. And here I shall take occasion to remark upon the observation which my learned friend has made in the course of this part of his argument. Says my learned friend, "Show me that the House of Commons has ever possessed this privilege or power for which you contend. Do not show it," says my learned friend, "from the Journals of your own House; show me that it has been recognised by some judicial decision, or else I shall consider it no sort of authority." My learned friend says he did not add those words. The observation he made was undoubtedly equivalent to them: "Do not search the Journals of your own House to inform me of its privileges; show me the privileges sanctioned and recognised by judicial authority."

Now, in the first place, my learned friend, who has been examining the different authorities upon this subject, has, I have no doubt, stumbled upon this passage of my Lord Coke, in page 23 of his 4th Institute, in treating of the power of judicature which The House possesses, to which I shall by-and-by refer your Lordships. He says, "But the handling hereof according to the worth and weight of the matter would require a whole treatise of itself; and to say the truth it is best understood by reading the judgments and records of Parliament at large, and the Journals of the House of Lords, and the book of the Clerk of the House of Commons, which is a record, as it is affirmed by Act of Parliament in anno 6 Hen. 8, c. 16."

So that Lord Coke, my learned friend's great authority, sends us to these very Journals as the sources from which information is to be derived with reference to the extent of its privileges; sources which my learned friend repudiates upon the present occasion, and requires us to show some judicial sanction or recognition for their existence. Why, my Lords, suppose they have been always acknowledged; suppose they have been invariably exercised; suppose no one ever thought of questioning them. How, under such circumstances, can there be any judicial recognition of them? And I apprehend that this power which we are now insisting upon, is one that, until the present moment, has never been questioned, but upon which I admit a very bold assault has now been made by my learned friend, Mr. Kelly, who denies the possibility of the existence of such a power, which I will show your Lordships has been recognised in the manner that I have stated.

Now in this Report the Committee refer to the Journals as their authority, and they say, "In this place the Committee beg leave to observe, that it appears to them that this House has, from the earliest times, asserted and exercised the power and authority of summoning before them any commoner, and compelling his attendance;" and there are forms and authorities in the margin which fully bear out that assertion.

Mr. *Kelly.*—What do you quote from?

Mr. *Solicitor-general.*—From the Report of the Committee on the Publication of Printed Papers, in which there is the Report of the Committee of 1771 upon Brass Crosby's case.

Mr. *Kelly.*—What is the date?

Mr. *Solicitor-general.*—The 3d of May 1837, page 143 of Appendix (B), and it is in Brass Crosby's case. Now, I presume that my learned friend will say, "Oh, but this is in fact

fact declaring your own private authority, and therefore is of no force and validity whatever. You may usurp these powers; you may declare that you possess them; but that is no satisfaction to my mind that these powers are unquestionably belonging to you." Now, what will my learned friend say to the decisions of the courts of law with regard to their own powers?

In the case of The King *v.* Davison, the defendant, being indicted for a blasphemous libel, in the course of his defence made some remarks which the learned Judge who tried the defendant considered improper; he ordered him to desist; the defendant, however, still pursued the same course, and the learned Judge fined him 40 *l.* Again he pursues the same course, and an additional fine was imposed; ultimately fines to the amount of 100 *l.* The power of the learned Judge to fine him was brought into question before this Court. It was admitted that there was no authority whatever for a Judge having fined before, where it had been decided by this Court; but the Court decided, that although the power had never been exercised, and although, therefore, there was no judicial recognition of that power, yet that the Judge had the power to fine, and this Court expressed its sanction of the course adopted by the learned Judge. That is The King *v.* Davison, in 4th Barnewell and Alderson, p. 329.

It seems that upon that occasion the Court of Common Pleas directed that a person should be set in the pillory for a contempt of the Court, and if that matter had been brought before the Court, of course the Court would have said, "Although we cannot pretend to say that this power has ever had any judicial recognition or sanction, yet unquestionably we possess this power, we possess all the power which is necessary for punishing contempts;" and if that be good law in a question as to the exercise of the power by this Court, or by any other Court, then I do not say *à fortiori*, but I will say, at least, it is good law with regard to the resolutions of the House of Commons, it having been generally considered that they have the power of deciding upon their privileges, and determining the extent of them.

Now, my Lords, in this very case of Stockdale *v.* Hansard, there is the strongest recognition which can possibly be imagined by one of your Lordships of this very power which is denied by my learned friend. I will take first of all the judgment of my Lord Denman. My Lord Denman admits the existence, in page 150, of the inquisitorial functions of The House, "The most advisable course of legislation on the subject is wholly unconnected with these facts;" (the facts which the House of Commons were ascertaining in that case) "the inquisitorial functions would be exercised with equal freedom and intelligence, however there they were found." And then he says, "The proof of this privilege was grounded on three principles:" first, the proof of necessity. His Lordship says, "If the necessity can be made out, no more need be said; it is the foundation of every privilege of Parliament, and justifies all that it requires."

Now what does Mr. Justice Littledale say: in page 168, he says, "There is no doubt about the right, as exercised by the two Houses of Parliament, with regard to contempts or insults offered to The House, either within or without the walls; there is no doubt, either, as to the freedom of their members from arrest, or of their right to summon witnesses, to require the production of papers and records, and the right of printing documents for the use of the members of the constituent body, and as to any other thing which may appear to be necessary to carry on and conduct the great and important functions of their charge."

Mr. Justice Patteson is even stronger than this. In page 209, he says this, "In all the cases and authorities from the earlier times hitherto, the powers which have been claimed by the House of Commons for itself and its members in relation to the rest of the community, have been either some privilege, properly so called, that is, an exemption from some duty, burthen, attendance, or liability, to which others are subject, or the power of sending for and examining all persons and things, and the punishing all contempts committed against their authority." And then he says, in page 213, "The House is armed with ample powers to send for all persons who can give them information, either before a Committee or at the bar of The House."

Now what is the meaning of the terms, "armed with ample powers to send for" those parties? According to my learned friend, all that they can do is to request the party to come, that is, to summon him, in other words. If it cannot be enforced, it is a mere precarious request for information, to request that the party will attend, and if he does not attend, they cannot enforce the due performance of the inquisitorial functions with which they are entrusted by the constitution, by compelling the party to appear before them, and to give the requisite information, but they are utterly helpless with regard to the information which they require; and all, according to my learned friend, that they are enabled to do, is to attach the party, and to make an order that he has been guilty of contempt, and that when that order has been regularly made, then they may attach him for that contempt.

Now just for one moment will your Lordships consider what would be the situation of the House of Commons, provided either view be adopted: either that of the plaintiff, that no person can be summoned to attend without being informed of the purpose for which he is required; or that of my learned friend, that the party is not compelled to attend as a witness, although he may be attached for his contempt if he does not attend. Just consider in what situation the House of Commons would be with respect to the exercise of its acknowledged and recognised functions——

Mr. Justice *Coleridge*.—I did not understand Mr. Kelly to say that the summons must state what the party is to be examined upon.

Mr. *Solicitor-general*.—No, that is what the plaintiff alleges in his demurrer. I take the two grounds. I say, if either what the plaintiff alleges, namely, that he must be informed of the object for which his attendance is required, or if my learned friend's proposition be correct, that The House has no power to compel the attendance of a party for the purpose of giving the requisite information, just consider the situation in which the House of Commons

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

mons would be under either of these two predicaments. Suppose The House has information of the existence of a treasonable conspiracy, or it may be a threatened invasion, The House is clearly clothed with powers to make an inquiry upon those subjects of grave importance to the kingdom; there may be, as there has been repeatedly, an address from the Crown directing an inquiry of this description. They want to obtain information from a person who may himself be steeped in the conspiracy, and the proposition contended for by the plaintiff is this, that they cannot summon any person to attend The House. It is clear my learned friend would contend that they cannot send at once for that person and compel his attendance, but that there must be a previous summons, and they must inform him of the object for which they require his attendance; in other words, give him notice to abscond as quickly as possible, and save himself from the consequences which would be very likely to follow from his attendance, and the information he gave.

Mr. *Kelly*.—I have not contended for that. It is stated as one of the special grounds of demurrer, upon which I have made no observation.

Mr. *Solicitor-general*.—That is very true; but I cannot allow these matters to appear upon the record of this Court without observing upon them, and I felt it my duty to distinguish between the argument which my learned friend Mr. Kelly has addressed to your Lordships, and the proposition which is alleged by the plaintiff as one of the grounds of demurrer.

But, my Lords, clearly my learned friend contends this, that he must have notice; that The House could not send for the person immediately and compel his attendance: and my learned friend says this. I will venture to say, from the earliest period down to the latest, there never will be found any authority for saying this, that even in cases of contempt the House of Commons has ever sent by what he called mesne process—has ever sent to compel the party to attend under process of that description in the first instance.

Now, my Lords, I would turn to some authorities which are found in Hatsell, to which, I take for granted, that my learned friend has referred; and I really must express my perfect astonishment at the boldness of my learned friend's assertion in this respect. Your Lordships are perfectly aware that in the earliest times no warrant at all was ever issued by the House of Commons. If the House of Commons required the attendance of any one, they sent their mace, and the mace was always considered to be a sufficient authority to compel the attendance of any individual whose presence was required in The House. But now, when my learned friend makes this assertion, I opened almost casually, Hatsell. My learned friend's assertion is this, that there is no authority for saying that the House of Commons has ever, even upon contempt, sent an attachment in the first instance by what he calls mesne process to compel the attendance of the party. Now I will turn to the year 1575, from Hatsell, and there this will be found in the Journals of The House. On the 29th of February 1575, "Mr. Bainebrigg complains that one Williams has assaulted and threatened him,"—Mr. Bainebrigg was a Member of the House—"upon which the serjeant is ordered to go directly for the said Williams, that he may answer to The House of such matters as shall be objected against him; and the same day, Williams being brought to the bar, and confessing that he did strike Mr. Bainebrigg, it is ordered that he do remain in the serjeant's ward till the order of The House be further known to-morrow." And then Mr. Hatsell says, "But I do not find any entry of any further proceeding."

The same mode of proceeding was adopted in a similar case, when upon the 1st of February 1580, "Mr. Norton complains that two porters had misused him in his attendance on the service of The House. The serjeant is ordered immediately to fetch them; when they, being at the bar, and charged with their misbehaviour, and rather excusing than submitting themselves, and the matter being proved by evidence, they are both committed to the serjeant's ward till further order, but that the serjeant may, in the meantime, set one of them, who was only a servant to the other, at liberty, upon his submission, if he thinks fit. On the 3d of February the porter of Serjeant's Inn (the master), prisoner at the bar, is upon his humble submission, and acknowledging his fault, remitted and set at liberty, paying his fees."

Now I really think I should be unnecessarily wasting your Lordships' time if I were to refer at length to the authorities in favour of this course of proceeding which my learned friend has in such distinct and positive terms stated there could be no authority whatever for the existence of.

I will go a little later: "On the 7th of November 1601, the servant of Mr. Coke, a Member, being arrested on a bill of Middlesex, the serjeant was sent to Newgate to bring the prisoner immediately to The House; and on his being brought to the bar with his keeper attending him, he is, by order of The House, discharged from his said keeper and from his said imprisonment; and Robinson, the party at whose suit he was arrested, was brought by the serjeant to the bar, and, being reprimanded, was discharged, paying his fees."

Then, without fatiguing your Lordships, I would refer you to the pages of Hatsell (which are compiled from the Journals of the House of Commons), pages 172 and 173: I observe here that, "On the 29th of November 1621, subpœna was served on Mr. Bruerton; Napper, who served it, is ordered to be sent for by the serjeant; on the 30th a warrant for this purpose is given to the serjeant, and also against one Minott, who had likewise served a citation on Mr. Bruerton." And your Lordship will find that page 189, page 195—in short, almost every page is full of instances of that mode of proceeding which is utterly denied by my learned friend, and for which he says no authority can possibly be produced.

Now I will just refer your Lordship to page 203. Your Lordships are aware that these authorities come down no later than 1641, and Mr. Hatsell assigns a reason for it. In page 203 (I thought it was more convenient to read it from Hatsell, instead of bringing the

Journals

Journals of the House of Commons here): "On the 22nd of April 1628, one Pemberton, a brewer, was ordered to attend. On the 25th the Speaker informs The House that he said he would not come. Upon question, to be presently sent for by the serjeant, but on the 30th he is discharged, the words being denied and not proved." Now here is an express authority for this particular case.

Now, my Lords, can it therefore be denied with any shadow of reason or propriety, that this power of compelling the attendance of witnesses, is a power which is unquestionably possessed by the House of Commons. It is admitted by all the authorities. It is essential for the due performance of their inquisitorial functions. Without being, as Mr. Justice Patteson says, armed with all powers to compel the attendance of witnesses, it would be utterly impossible for them to exercise those functions. They could not obtain information upon compulsion, they would be reduced, upon every occasion, to a mere precarious request for information from the persons from whom they understood it was to be obtained. Therefore, my Lords, looking to what you have already decided upon this matter, now that the very question is raised—now that the very objection is taken—now that you are called upon expressly to find against the legality of the act, upon the ground of these powers not belonging to The House, can I doubt for one moment that your Lordships will come to the conclusion, that if you can enter into the consideration of the question at all, you must decide in favour of the legality of this act?

My Lords, before I close the observations which I have made upon this part of the case, I would merely advert to a remark of my learned friend Mr. Kelly, that this is a power which is wholly unknown to the law. Why, it is not a settled point by any means that even a magistrate in a criminal court may not have the power to compel the attendance of a witness to be examined by warrant; for in the case of Evans *v.* Rees, which is in 12th Adolphus and Ellis, page 59, Lord Denman says, "I throw no doubt on the power of a magistrate to do all that is necessary to compel the attendance of those witnesses whom he knows to be material." Now, why is that?

Lord *Denman.*—That is with reference to some former case where it was held that he had the power.

Mr. *Solicitor-general.*—Yes, my Lord. Now, why is that? The reason why a magistrate would have the power is, because the inquiry into a criminal charge originates before him, and because it is necessary for the due performance of his functions. Can it be said, then, that it is less necessary for the important assembly whose privileges I am now defending, that they should have the power of compelling the attendance of persons who can give them information to enable them duly to discharge their duty to the country?

Lord *Denman.*—How is it with a coroner?

Mr. *Solicitor-general.*—The coroner, I believe, frequently does issue his warrant to compel the attendance of witnesses. I do not know whether that power has ever been questioned.

Lord *Denman.*—It must be very essential in the performance of his duty.

Mr. *Solicitor-general.*—I ought to have read a little further in this case of Evans *v.* Rees. Your Lordship says, "Here if the warrant had merely recited the witness's refusal to attend, and directed the constable to bring him, there might not be much doubt that it would have been justifiable."

Mr. Justice *Coleridge.*—This warrant does not direct him to attend.

Mr. *Solicitor-general.*—That is not the point I am at present upon, upon the power to compel attendance.

Lord *Denman.*—I want to know a little more about the power of the common law courts as to witnesses. Suppose a person was here in attendance under subpœna or consent; and supposing he left this Court contumaciously, being told that he was expected as a witness, but that he thought proper to go; and I was sitting here at nisi prius, and was informed that he was in Palace Yard; under these circumstances what power would the Court have?

Mr. *Solicitor-general.*—I do not know what power your Lordship could have further than to attach the party for contempt.

Lord *Denman.*—Should I let the course of justice be obstructed by his absence? Must I suffer him to go, knowing that he is within reach of my officers?

Mr. *Solicitor-general.*—I think that your Lordship ought to have the power, and that justice would be defeated if you had not the power; but I am not aware of any occasion upon which it has ever been exercised.

Lord *Denman.*—The practice of the courts rests entirely upon subpœna and recognizance now; but as to the actual power of the Court, I think very considerable doubt might be raised at least.

Mr. *Solicitor-general.*—I proceed, therefore, to consider the next point, which is this: The plaintiff having contemptuously refused so obey the order of The House, which they had by law jurisdiction to make, was liable to be attached and brought before The House in custody, by a warrant in the form sanctioned by the practice of The House. The warrant in this case was in that form.

Now, my Lords, in this stage of the argument I would particularly press this upon your Lordships' attention, that the plea admits that the warrant was issued in accordance with the ancient usages and privileges, and the law and custom of Parliament; but in his causes of demurrer the plaintiff says that the plea does not state that the warrant contained

Appendix, No. 3.

Argument.

15 November 1844.

Mr. *Solicitor general.*

any charge against the plaintiff, or showed why or wherefore he was to be apprehended. And upon this part of the case I must advert to some observations which were made by my learned friend, Mr. Kelly. He says that your Lordships are not to presume anything against the House of Commons, but that you are at the same time not to presume anything in favour of the House of Commons. My Lords, I utterly deny the first proposition which is maintained by my learned friend. I say that when you are here considering the exercise of an admitted ancient usage and privilege, your Lordships not only may, but I say it most respectfully, that you are bound to make every favourable construction on behalf of the House of Commons exercising that power; and when my learned friend talks of this Court holding a tight hand over the officers of the House of Commons, to say the least of it, that language is of a description to which I am a little unaccustomed, and I think it might as well have been spared. Your Lordships will presume, in the exercise of ancient usages and privileges of The House, everything in their favour. This warrant is admitted to be issued according to the ancient usages and privileges. I apprehend that if your Lordships are called upon to make a presumption in this case at all, the presumption must be in favour of the validity of the warrant; and I venture to maintain this proposition before your Lordships, that unless my learned friend can satisfy your Lordships that this warrant is contrary to usage and practice, that it is not in accordance with the course of the House of Commons, my learned friend utterly fails in maintaining any objection whatever to the validity of that warrant.

Mr. Justice *Wightman.*—The warrant in terms is to take him into custody; now that, as stated in the plea, was issued according to the usages and privileges of The House; but how will that authority, the only authority under which the defendant acts, authorize him in doing more than taking him simply into custody?

Mr. *Solicitor-general.*—My Lord, can it for one moment be doubted that when there is an order of The House that a party shall be taken into the custody of the Serjeant-at-Arms, which order is recited in the warrant, and the warrant following that order desires the serjeant to take him into custody, can there for one moment be any serious doubt entertained that that is a warrant in pursuance of the order to do the act which the order directed? But, my Lords, I was about to advert to this: this is admitted to be a warrant issued in pursuance of the ancient usages and privileges of The House. Are your Lordships prepared to say this, that the House of Commons has no power whatever to lay down any rules for the regulation of its own practice?

Mr. Justice *Coleridge.*—Do you read the plea as averring that the warrant in this form was issued according to the usages of The House?

Mr. *Soliciter-general.*—It is not at all necessary that I should go to that extent.

Mr. Justice *Coleridge.*—I want to understand your argument.

Mr. *Solicitor-general.*—I might contend that, inasmuch as it not expressly denied that the warrant was in accordance with the ancient usages and privileges of The House, I might contend that the demurrer might be admitted in proof that it was in accordance with these ancient usages and privileges; but at present I am not arguing to that extent.

Mr. Justice *Coleridge.*—You only mean that the fact of issuing the warrant was in accordance.

Mr. *Solicitor-general.*—I mean that the fact of issuing the warrant in accordance with the ancient privileges and usages of The House, in any view of the effect of the demurrer, must be taken to be admitted. Then just let me call your Lordships' attention to the position in which we are placed. In arguing this matter before your Lordships, can anybody doubt, with regard to the warrant itself, that it was the very authority to do the act which had been directed by The House? Then what was the ancient form? The House ordered that the person should be brought in custody of the serjeant. It does not appear that originally there was any written warrant at all; the mace itself was considered as sufficient, and the mace compelled the attendance of the party. When the form of sending for the party merely by the mace was altered into a written warrant, which was signed by the Speaker, are your Lordships about to decide in this case that it was not competent to the House of Commons to declare in what form the warrant should issue? Are your Lordships to take the narrow, and, if I may be permitted to use the expression, the degrading analogy which is offered to your Lordships by my learned friend Mr. Kelly? Are these warrants of the House of Commons to be scanned and scrutinized like the warrants of a magistrate or some inferior officer over whom this Court has jurisdiction? In what way are your Lordships to take cognizance of this question which is now submitted to you as a cause of demurrer to the plea? Is it alleged that it is not in conformity with the practice of The House? No. Well, if it is not alleged that it is not in conformity with the practice of The House, must not your Lordships assume that it is? Why should your Lordships go out of your way in the direction in which you would be led by my learned friend, to compare the form of the warrant with those particular forms with which your Lordships are more familiar, emanating from inferior jurisdictions, over whom your Lordships undoubtedly have control? My Lords, I say with the utmost respect that I will not, on behalf of the House of Commons, argue this question upon the low ground upon which it has been put by my learned friend; that I will not submit to have a degrading comparison instituted between the warrants of justices of the peace and a warrant emanating from one of the supreme assemblies of the land.

My Lords, by what practice is this to be tested? Is it to be tested by the practice of the Court? Suppose your Lordships were to lay down a rule with regard to the form in which your writs of attachment should issue; and suppose that from time to time your Lordships should do, what unquestionably you have the power to do, that you should modify

and

and change the form of those writs? Suppose it should happen, that that form so altered, should differ from the form which was used in another court; and suppose that the question as to the validity of the form used in another court was to be brought before your Lordships upon the return to a habeas corpus, or in an action, would your Lordships scrutinize the practice of the other court, a court of co-ordinate jurisdiction, and because the practice of that court happened to differ from the practice of your Lordships' Court, would your Lordships decide that the practice was erroneous and bad? And yet upon the present occasion you are called upon to decide that against the validity of a practice of the House of Commons; a practice which I think there is every reason to conclude has been that which has been adopted from the earliest period when any records of their proceedings appear which is not shown to be in the least degree contrary to that practice, and your Lordships are called upon to assimilate it either to the forms adopted in your Lordships' Court, or to the forms in inferior courts, or used by officers of an inferior and limited jurisdiction, and then to decide against the validity of the practice of the House of Commons.

My Lords, what reason have your Lordships for saying that this form of warrant is not the precise form of warrant adopted upon all those occasions? Is there anything to show your Lordships that it is not? If there is nothing to show your Lordships that this is not the form of warrant which has been used upon all occasions, I have a right to assume that it is that form of warrant. And are your Lordships now prepared to decide against the uniform practice of the House of Commons with reference to the nature and form of these warrants, and to determine that they have no validity? Because that is what my learned friend calls upon your Lordships to do. You cannot decide upon the present occasion against the validity of that warrant, without assuming that the practice of the House of Commons is opposed to that form of warrant, or that that form of warrant, whether the practice is opposed to it or not, is invalid and void.

Now, see the situation in which your Lordships would be placed by the argument which my learned friend calls upon you to adopt; and again, I say, by what rule, by what law, are your Lordships to decide the question as to the validity of the warrant which is to be so issued? If it is according to the law of Parliament, it is quite clear, whatever my learned friend may say with regard to Magna Charta, and the expressions upon which he has insisted, that when he adverts to the term *per legem terræ*, the law of Parliament is part of the law of the land. That has been clearly over and over again laid down by various authorities. Then either one thing must be adopted or the other, either that it is part of the law of the land, and that your Lordships must take judicial cognizance of it (and your Lordships must decide with regard to this point from the knowledge you possess, that it is in pursuance of the law and custom of Parliament); or if that be not so, then your Lordships must decide upon the practice of the Court, the practice of which, inconsistently enough, my learned friend, at the close of his argument, told you that you could not possibly understand; that you could have no knowledge of it, it being settled that the course of every court is the law of the court; and your Lordships are called upon to decide here that this practice, of which you can have no knowledge whatever, is not of a character which justifies this warrant, or, that if it is of a character which justifies this warrant, it is illegal and void.

Now, my Lords, I apprehend that it will not be necessary at all to go back to any distant period in order to prove the existence of the practice. But a very important observation arises out of a remark made by Mr. Justice Patteson, in the course of his judgment in the case of Stockdale *v.* Hansard. That learned Judge says, in page 203, "That the decisions of that Court, whose powers, privileges, and jurisdiction are so brought into question as to their extent, are authorities, and, if I may so say, evidence in law upon the subject, but not conclusive." Then, is not the practice the uniform established practice of every court? Is not that in the same way evidence in law? And if not conclusive, is it not *primâ facie* evidence of the existence of that practice, which can only be disturbed by proving that it is contrary to the ancient usage of the Court; and is not the *onus* upon the present occasion upon my learned friend, and not upon me, to show that this is not in accordance with the ancient usage, and with the law and custom of Parliament?

But, my Lords, suppose that this question is to be decided with reference to the practice of courts of law, I presume that we are not to be degraded lower than the courts of record in this country, and, I should venture to say, than the superior courts established in this kingdom. Mr. Justice Bayley, indeed, in the case of Burdett *v.* Abbot says: "In an early authority upon this subject, in Lord Coke, 4th Institute, 23, it is expressly laid down that the House of Commons has not only a legislative character and authority, but is also a court of judicature, having power of judicature; and there are instances put there, in which the power of committing to prison for contempts has been exercised by the House of Commons, and this, too, in the case of libel." This is what is stated by Lord Denman, in his judgment in the case of Stockdale *v.* Hansard.

I think, therefore, I am entitled humbly to submit that, at all events, the House of Commons may be put upon a footing with the other superior courts of the land, and therefore one may refer to the practice of those courts, upon which some rather startling and unfounded remarks have been made by my learned friend Mr. Kelly. My learned friend, in the course of his argument, turned to me and said this, "I challenge my learned friend to show any authority of any description, any written process, or any proceeding of the courts of law, in which a party is merely required to answer to such matters as shall be alleged against him." And he also denied the existence of any authority, on the part of the superior courts, to attach a party, in the first instance, to answer for a charge of contempt.

Now, in reply to that challenge on the part of my learned friend, I will just call your Lordships' attention to the form of attachments which are used in the three superior courts,

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

which are all attachments upon mesne process, not attachments in punishment for a contempt. Now, what is the form in this Court? "We command you that you attach C. D., esq. sheriff of our said county, so that you may have him before us, on such a day, to answer to us for certain trespasses and contempts by him lately done and committed in our Court before us."

Mr. Justice *Coleridge*.—Where are you reading from?

Mr. *Solicitor-general*.—From Tidd's Practical Forms, page 63. What is the form in the Court of Exchequer? "To answer to us concerning divers trespasses, contempts, and offences by him lately done and committed." But what is the form in the Court of Common Pleas? My learned friend says no court ever issued an attachment to bring a party to answer upon a charge of contempt upon mesne process. Here are the instances familiar to your Lordships, in which it is done repeatedly by this Court and the Court of Exchequer; but my learned friend also adds, "I challenge my learned friend to find any authority for any process, or any debt, or any other proceeding, in which the party is summoned and required to attend for the purpose of answering what may be alleged against him." What is the form of attachment in the Court of Common Pleas? "To answer to us of and concerning those things which on our behalf shall then and there be objected against him."

Now, my Lords, what are these proceedings? They are proceedings to compel a party to attend for the purpose of answering to the charge of contempt. When the party is brought up on those attachments into the court, he then answers to the charges which are made. Upon the issuing of this process the party is not in contempt. The charge of contempt is made against him, and whether he may be ultimately in contempt or not depends upon whether he purged himself from it upon his appearance in court, or whether he is unable to give a satisfactory answer to the charge. But can it be said that the attachment, for instance in the Court of Common Pleas, gives the party the slightest notice of what he is to come prepared to meet? When it requires him to attend, in order "to answer to us of and concerning those things which then and there on our behalf shall be objected against him," is there the slightest intimation of the purposes for which his attendance is required, except that there is some charge which he is not informed of, and which is made against him, and which he will know when he appears in court, and which he will be required to answer?

Now, suppose an attachment of that kind were to issue from the Court of Common Pleas (it is a matter of every day's practice), and suppose upon that attachment a habeas corpus were to be moved for in this Court to bring up the body of the person attached, and the return were made of an attachment in this form, your Lordships either have cognizance of the practice of the Court of Common Pleas, or you have not. If you had no cognizance of the practice, I presume your Lordships would assume that the practice had been properly pursued. If your Lordships had cognizance of that practice, your Lordships would know that it had been strictly pursued; but would your Lordships, upon that being brought before you in the form I have mentioned, because it happened to differ from the practice in your Lordships' Court, would you say that it was an improper and illegal practice, and was therefore void? Would not your Lordships feel yourselves, in any case of that kind, constrained to submit to whatever was the practice of the Court, and to remand the party upon a return of that kind?

Now, apply that argument to the present case: if the House of Commons had proceeded upon the contemptuous refusal of the party to appear, to pronounce him guilty of contempt, and had had him put into custody upon that charge of contempt, my learned friend admits that no court in the kingdom could have disputed the validity of that proceeding. If the House of Commons had proceeded in the way which they clearly might have done, in the exercise of their admitted jurisdiction, but in a manner not so favourable and forbearing to the plaintiff as the present; if they had instantly upon being informed of the contemptuous and wilful refusal of the plaintiff to appear, resolved that he had been guilty of contempt and ordered that he should be apprehended for the contempt, it is clear that they might have done so; but they have not proceeded to that extreme against him; they have actually pursued precisely the same course which your Lordships and the superior courts pursue in those cases, an attachment upon mesne process. They have ordered that the party should be sent for in the custody of the Serjeant-at-Arms, and a warrant is issued directing the serjeant to take him in custody accordingly.

Now, is not it really trifling to say that because the warrant does not pursue the order in terms, and desire that the serjeant would take him into custody and bring him before The House; that although it is not shown to be contrary to the practice of The House, that your Lordship's will assume, by analogy to other cases which have been mentioned, that this is an illegal and void proceeding, and that in fact it amounts to an authority for the Serjeant-at-Arms to take him into custody and to keep him in custody for an indefinite time? Can anybody fairly read the warrant in that sense?

Then, my Lords, if the House of Commons, proceeding with this forbearance towards the plaintiff, and proceeding, as I say, according to the admitted practice of The House (because the *onus* is on the other side to show that this mode of warrant is contrary to the practice, and no such evidence has been given), if the House of Commons, proceeding in this manner, have issued their warrant in the accustomed form, does not that warrant indicate to every person of plain sense and understanding that it is intended to be in pursuance of the order of The House, and that when a party is to be sent for in custody, and the Serjeant-at-Arms is required to take him into custody, it must be considered to be a taking him into custody in obedience to the order of The House, and for the purpose of effecting the object of The House in sending for the individual.

Now,

Now, my Lords, having read those expressions of Mr. Justice Bayley, as to the House of Commons being a court of judicature, I would enforce the remark by reference to a passage in Coke's 4th Institute upon the subject. In page 27 he says: "The House of Commons is a distinct Court Nota." He says: "The House of Commons is to many purposes a distinct Court, and therefore is not prorogued or adjourned by the prorogation or adjournment of the House of Lords." And then, in another passage, he distinctly states that it is a court of judicature. Now my object in pressing that upon your Lordships' attention is this, to make those cases in which it has been decided that one court of co-ordinate jurisdiction will not question the practice of another court of co-ordinate jurisdiction, analogous in the present argument.

Now, my Lords, in the first place, what was said by Lord Ellenborough in the course of the argument as to the proceedings in the Common Pleas in Burdett *v.* Abbot, page 64? Mr. Holroyd was arguing this: "Suppose a party was arrested upon a void writ out of the Common Pleas, as if a writ tested in one term were not returnable till the second term, which has been held to be a void writ; if he sued his writ of habeas corpus returnable in this Court, instead of in the Common Pleas, this Court would not discharge him, but would refer him to the Court out of which the writ issued." Then Lord Ellenborough says this: "Without touching the question of contempt, I should rather think that if a person arrested on a process absolutely void upon the face of it, claimed his discharge of us, we should discharge him, whether it were on Exchequer or Common Pleas process; as, suppose the defect in the process were in a matter required by positive statute, of which all the Courts must take cognizance. If indeed it were a doubtful matter, which might involve any question as to the practice of another Court, we should send him to that Court."

Now, applying that, are your Lordships prepared to say here that this is a case in which it appears that a person has been arrested on a process absolutely void upon the face of it? Lord Ellenborough seems to guard himself in the observations he makes in answer to the argument of Mr. Holroyd there, because he qualifies generally his expressions by saying, "As suppose the defect in the process were in a matter required by positive statute, of which all the Courts must take cognizance." But then he adds, "If indeed it were a doubtful matter, which might involve any question as to the practice of another Court, we should send him to that Court."

Now it may be said, "Oh, but these observations apply to habeas corpus, not to an action of trespass." But again I refer your Lordships to what is said by Mr. Justice Bayley, in his judgment in that case: "Would it not be absurd to say, that though we cannot discharge the party committed from his imprisonment, because that would be directly arraigning the judgment of The House, yet that he shall have an opportunity of recovering by action full satisfaction for lying in prison. Can you say that in a case where the Court, if it were a doubtful matter of practice, would not interpose and discharge the party, but would send him to the Court out of which the process issued, the party might, in a case of that description, proceed afterwards against the officer, and recover damages for false imprisonment? It is clear there can be no distinction in principle between cases of habeas corpus and cases of action for false imprisonment; the same principle is applicable. If the process is not actually void, and as I shall have occasion to show the Court, I trust satisfactorily, even in cases in a superior court where the process is void, but in cases clearly where the process is not absolutely void, would it be said that although the party could not be discharged by habeas corpus, yet that he might have an action for false imprisonment? In that case the Court appear to have considered, that although the party might obtain his discharge upon habeas, he would not afterwards have his action, because that was decided in Bushell's case, where the jurors were committed by the Court of oyer and terminer at the Old Bailey, and where they were discharged by the Court, and where the parties afterwards brought their action; and your Lordships are familiar with the expressions used by Chief Justice Hale, who, when the case came before him, said, "Why a writ of habeas corpus is in fact a writ of error, reversing a judgment, and the party cannot proceed against the persons who were instrumental in carrying into effect that judgment which has been so superseded by a writ of error:" he said, they would have "a cold business of it." My Lords, I am now showing what would be the effect if this process had proceeded from one of the superior courts, and had been brought before your Lordships, what would be the course which you would pursue in dealing with the party who had been attached upon such process.

Now, in addition to these cases, I would cite Brass Crosby's case, in 3rd Wilson, page 198. He says, "It is objected that the House of Commons are mistaken, for that they have not this power; secondly, that supposing they have, yet in this case they have not used it rightly and properly; and, thirdly, that the execution of their orders was irregular. In order to judge, I will consider the practice of the courts in common and ordinary cases. I do not find any case where the Courts have taken cognizance of such execution or of commitments of this kind; there is no precedent of Westminster Hall interfering in such a case. In Sir J. Paston's case, 13 Reports, there is a case cited from the Year Books, where it is held, that every Court shall determine of the privilege of that Court; besides, the rule is, that the Court of remedy must judge by the same as the Court which commits. Now, this Court cannot take cognizance of a commitment by the House of Commons, because it cannot judge by the same law, for the law by which the Commons judge of their privileges is unknown to us."

Then I advert again to the expressions used by Mr. Justice Patteson, in Stockdale *v.* Hansard, 9 Adolphus and Ellis, 203, and to the observation I have already made, and which will be found in Comyn's Digest, title, Courts: "The course of the Court is the law of the Court." And upon all these authorities I submit to your Lordships upon this fourth

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

point, that your Lordships will not undertake to decide against the validity of the practice of the Commons House of Parliament, unless your Lordships are satisfied upon the present occasion that the proceeding which is complained of is an act done not in accordance with that practice, which it is perfectly impossible for my learned friend to prove, although he has alleged it; and that your Lordships will not, because the practice of the House of Commons differs from the forms which are adopted in this and the other courts, decide that that is an illegal and a void practice.

Now there is one observation which I wish to make before I leave this part of the case, upon a remark which my learned friend has made, and which seems to be a rather singular one. In adverting to the authorities which are to be found collected in Stockdale *v.* Hansard, in the very able argument of the Attorney-general in that case, my learned friend says, "I will show you that the practice cannot by possibility exist." And how does he attempt to prove it? By citing seven or eight different cases in which a party was attached for a contempt: and if I understand my learned friend's argument, it is this, that because in those cases the parties were distinctly taken into custody for an alleged contempt, therefore there can be no possibility of such a practice existing as this which is contended for, that the House of Commons should have the power to summon a witness to attend, and to compel his attendance if he absolutely and contemptuously refuses obedience to the summons. That was the argument of my learned friend; because he began with Pye's case, and he went through the different authorities which were mentioned by the Attorney-general, and he then said, "All these are cases for contempts." Then he said again, "Show me a judicial sanction and authority for the exercise of this power for which you contend; I will not be satisfied with the Journals; I will not be satisfied with the Resolutions; I will be satisfied with nothing less than judicial authority;" which my learned friend, who must be familiar with this subject, must perfectly well know can never be obtained; because the right never having been questioned, no authority or sanction for it could ever be in existence in any judicial record. But my learned friend endeavours to satisfy your Lordships that there is no authority for the existence of this practice, by showing that all these arrests of parties in the cases cited by the Attorney-general, were arrests distinctly for contempt, not for the purpose of compelling appearance.

Now I proceed to the fifth point in this case, which is this: It being clear that the order in this case was made, and the Speaker's warrant issued, in a matter over which The House had jurisdiction, the courts of common law have no right or power to inquire into the formal mode in which they have proceeded, according to their own usage and practice, as regulated by the law of Parliament.

Now your Lordships will observe that this is entirely a different question from that which was agitated in the case of Stockdale *v.* Hansard. In that case the whole tenor of the argument was this, the Resolution of the House of Commons that it possessed the privilege contended for was binding upon your Lordships, and required your Lordships to give judgment in favour of the defendant. Upon the present occasion, I am not contending for so large a proposition as that; but what I contend for is this, that this being admitted to be a proceeding in accordance with the ancient usages and privileges, and the law and custom of Parliament, your Lordships will not inquire either into the discretion of the House of Commons in the particular instance, or the formal manner in which that discretion may have been exercised.

Now, my Lords, have the House of Commons a right to summon a party before them in order to obtain information from them which they consider necessary? I apprehend there can be no doubt upon the argument which I have addressed to your Lordships, and the authorities to which I have referred you, that they possess that power: then if they possess that power they have the right to exercise that power as they please, and without being subject in their discretion to the control of any other party; and it would be extremely inconvenient, and would entirely cripple their usefulness, with respect to the exercise of that inquisitorial power, if upon every occasion in which they, exercising their judgment and discretion, considered it necessary that a party should attend before them, and give them information, that discretion was to be scrutinized and examined by any other tribunal whatever. Because if my learned friend's argument upon the present occasion is correct, whenever a person refused to obey the summons of the House of Commons, and the House of Commons, armed with ample powers for the exercise of the jurisdiction with which they are entrusted, as your Lordships have admitted, send their Serjeant-at-Arms to compel the party to come before them; if that party may issue a habeas corpus, and require the House of Commons to give an account to this or to any other Court of the reasons why they have sent for him, and what is the subject upon which they desire an investigation, it is perfectly clear that it is making this and all the other Courts that which they have over and over again repudiated the notion of, namely, a court of appeal from the proceedings of the House of Commons, a court to control the discretion with which they are invested, and which they are entitled to exercise in the manner I have mentioned. And therefore it is a very different question indeed from that which was discussed in the case of Stockdale *v.* Hansard, in which there was an assertion of a particular privilege. In this case the proceeding is admitted to have been in accordance with the ancient usages and privileges; but the parties question the right of the House of Commons to proceed in this instance. I venture to say, with submission to this Court, but with firmness in the defence of those important privileges with which I am intrusted, that no body in the constitution has any power whatever to control the exercise of this particular discretion. It is not a question with regard to the existence of a privilege. The general jurisdiction is admitted. Would your Lordships endure in a

case

case where you have a discretion, in a case of an application for a mandamus, or for a quo warranto, or in a motion for a criminal information, where your Lordships may either give or withhold the remedy, where the general jurisdiction most undoubtedly attaches and exists, would your Lordships tolerate that the exercise of your jurisdiction in each particular instance should be scanned, should be criticised, should be questioned and overruled upon every occasion upon which the discretionary power with which you are invested were called forth? That is precisely the position in which by this argument they desire to place the House of Commons completely under the control and superintendence of the courts of law. They cannot stir a step in the exercise of their admitted powers and privileges without being called upon to account, and without being required to give a reason for their bringing into operation that particular power with which they are admitted to be invested. And therefore I do most earnestly intreat your Lordships to pause, and to consider what you are required to do, and what you must necessarily do upon the present occasion before you can come to a determination hostile to the defendant.

Now the authorities to which I shall refer your Lordships upon this part of the case are distinct authorities to the extent for which I am contending; they leave no question at issue with my learned friend as to whether any declaration of the existence of privileges is binding upon any other court, or any other tribunal. But that the House of Commons have the power to act according to their discretion, and without being accountable to anybody in the exercise of their undoubted privileges, is a matter which I should have thought was so clear and so unquestionable, that I should hardly have been required to do more than to state the proposition, that any argument would have been unnecessary, and that as to the adduction of authorities, they would have been wholly out of the question.

But if I am to cite authorities upon this, I would refer your Lordships to Comyn's Digest, Parliament, G 1, page 275, "All matters moved concerning the Peers or Commons in Parliament ought to be determined according to the usage and customs of Parliament, and not by the law of any inferior court."

So, my Lords, in Hawkins's Pleas of the Crown, 2d volume, page 165, sect. 73, we find this, "Where bail is grantable by the Court of Queen's Bench to a person imprisoned by either House of Parliament, there can be no doubt but that the highest regard is to be paid to all the proceedings of either of those Houses, and that, wherever the contrary does not plainly and expressly appear, it shall be presumed that they are within their jurisdiction, and agreeably to the usages of Parliament, and the rules of law and justice; and therefore wherever it stands indifferent upon the return of a habeas corpus, whether a commitment by either of those Houses were strictly legal or not, and the Parliament be still sitting, I can find no precedent that the prisoner hath been bailed by the Court of King's Bench."

Then, my Lords, the case of the Queen *v.* Paty is one to which I am most anxious to draw your Lordships' attention. That case will be found in 2d Lord Raymond, page 1105, and the whole of the judgment of Mr. Justice Powys is so important that I shall make no apology for intruding it upon your Lordships. I shall refer only to different parts of the judgments of the other Judges. It was a habeas corpus, where "Paty and four others were committed by the Speaker of the House of Commons, by virtue of an order of that House." And then upon the return it is stated, "By virtue of an order of the House of Commons," "these are to require you forthwith, upon sight hereof, to receive into your custody the body of John Paty, who, as it appears to the House of Commons, is guilty of commencing and prosecuting an action at common law against the late constables of Aylesbury, for not allowing his vote in the election of Members to serve in Parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House, and him in safe custody to keep during the pleasure of the said House of Commons, for which this shall be your warrant."

Now in that case Lord Chief Justice Holt differed from the three other Judges, and afterwards eleven of the twelve Judges were against my Lord Chief Justice Holt upon this very case. Now with very great submission to your Lordships, I really cannot conceive why the judgment of a large and overwhelming majority of the Judges is to go for almost nothing; and why the authority of my Lord Holt is to be put so high in opposition to the opinion of the others. Many of the judges were almost, if not quite, equal to my Lord Holt. With regard to Mr. Justice Powell, it is expressed in one case, that he was a Judge only inferior to Lord Holt; and when there are Judges of this high eminence and great learning, almost unanimous in a question of this description, I apprehend that their authority is not to be set at naught; that it is in fact a binding authority upon this question, and that we must go by the opinion of the eleven and not by the opinion of the one.

Now Mr. Justice Gould says: "The prisoners ought to be remanded. He said that this was the first habeas corpus that was ever brought by persons committed by the House of Commons that he ever heard or read of, and therefore no such writ having ever been brought before, that is an argument that no such writ lies. He said if this had been a return of a commitment by an inferior court it had been naught, because it did not set out a sufficient cause of commitment, but this return being of a commitment by the House of Commons, which is superior to this Court, it is not reversible for form; and that answers the objections to the form of the commitment. We cannot judge of the privileges of The House of Commons, but they are to debate them among themselves." Then it goes on: "He said it was objected that by the Magna Charta," (the same argument that my learned friend has used to-day) "no man ought to be taken or imprisoned but by the law of the land. But that the answer to this was, that there were sever l laws in this kingdom, among which was the *lex Parliamenti*; which law as it is said in the 4th Institute, 15, *ab omnibus est quærenda a multis*

Appendix, No. 3.

Argument.
15 September 1844.

Mr.
Solicitor-general.

multis ignorata a paucis cognita, and that it was uncertain that those words in the statute of Magna Charta were to be restrained to the Common law.

Then Mr. Justice Powys says: "I am of the same opinion. He said he would consider the objections that had been made to the return, and give an answer to them, not that he thought they had jurisdiction of the cause, but that the commitment might not be taken so totally naught as it had been represented to be. He said it had been objected that this case differs from my Lord Shaftesbury's case, because that was a commitment by order of the House of Lords, this only by the Speaker's warrant. To that he answered, that this warrant, as was recited in the warrant, was by order of the House of Commons. The second objection was, that the warrant was not under seal; and 2d Institute, 52, is, that warrants of commitment must be in writing under hand and seal. But to this I answer, that the House of Commons is a court; and so my Lord Coke says, in his 4th Institute, 28, 23, and commitments by a court need not be under hand and seal. And, besides, the *consuetudo Parliamenti* will justify this commitment. Thirdly, this case is objected to differ from my Lord Shaftesbury's case, because he was a Member of the House of Lords. But if this objection should take place, it would destroy all their power of committing for breach of privilege, for these are most commonly by persons not of The House. Fourthly, this commitment is for a matter done out of The House. That must receive the same answer with the last, that so are most breaches of privilege. Fifthly, it is objected that the commitment is during the pleasure of the House of Commons, whereas it ought to be till they shall be discharged by due course of law. To this I answer, that this commitment is more favourable for the prisoner, and more for his benefit than a commitment for a certain time; for this commitment determines with the Session, and it leaves The House a power to discharge the prisoners upon their submission. Besides, this is agreeable to the constant forms of commitments by the House of Commons, and it is agreeable to our commitments here, which are implied to be during the pleasure of the Court. And though the House of Commons express that in their commitments, yet that is only expressing what we imply."

Then he says: "Sixthly, the cause of commitment is for bringing an action at common law; and shall the Commons hinder a man from proceeding at law? Now, in general speaking, that is the only use of privilege; and the meaning of privilege is, that it is a privilege against the course of law. Such is the privilege of Members against suits at law to be brought against them. This objection has been farther enforced by remembering the Resolutions in the case of Ashby and White, where it was determined by the House of Lords that an action would lie against the constables of Aylesbury for refusing a man his vote at an election of Members to serve in Parliament. But in answer to that, this does not appear to us to be the same case. The parties are different, and it may be the cases may be different, and all these prisoners may have been guilty of a breach of privilege. If all commitments for contempt, even those by this Court, should come to be scanned, they would not hold water. Our warrants here in such cases are that as for a contempt, or for a contempt in such a case. So in Chancery, the commitments for contempts are for a contempt in not fully answering, &c.; and would not this commitment be sufficient? If a commitment be for a contempt in not paying money according to an order of court, without reciting the order, yet such a commitment is good. The House of Commons is a great court, and all things done by them are to be intended to have been *rite acta*, and the matter need not be so specially recited in their warrants, by the same reason as we commit people by a rule of court of two lines; and such commitments are held good, because it is to be ntended that we understand what we do."

Now I would only venture to claim for the House of Commons the same right as is contended for here by Mr. Justice Powys, that the House of Commons may be taken to understand what they do, just in the same way that the courts of law do. Then he says: "Seventhly, it is objected by Magna Charta, c. 29, no man ought to be taken or imprisoned but by the law of the land. But to this I answer that *lex terræ* is not confined to the common law, but takes in all the other laws which are in force in this realm, as the civil and canon law, &c. and, among the rest, the *lex Parliamenti*. By 28 Edw. 3, c. 3, there the words *lex terræ*, which are used in Magna Charta, are explained by the words "due process of law," and the meaning of the statute is, that all commitments must be by a legal authority; and the law of Parliament is as much a law as any, nay, if there be any superiority this is a superior law."

Then Mr. Justice Powell, whose character I have already given, said, "The Court could not judge of the return, first, because they were committed by another law, and consequently we cannot discharge them by that law by which they were not committed. There is a *lex Parliamenti*, for the common law is not the only law in this kingdom, and the House of Commons do not commit men by the common law, but by the law of Parliament. Consider the judicature of Parliament. The House of Lords have a power of judicature by the common law upon writs of error, but they cannot proceed originally in any cause. But they proceed, too, in another manner, in case of their own privileges, and therein the Judges do not assist as they do upon writs of error, and their proceeding in that case is by the *lex Parliamenti*. So the Commons have also a power of judicature, and so is 4 Institute, but that is not by the common law, but by the law of Parliament to determine their own privileges, and it is by this law that these persons are committed. He said, this Court might judge of privilege, but not contrary to the judgment of the House of Commons, which yet we must do in this case, if we discharge these prisoners from their imprisonment, which is the only judgment the House of Commons can give upon their determination that these persons have been guilty of a breach of their privileges."

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Now so I say here, if your Lordships decide that this party is entitled to maintain an action against the officer for the execution of the warrant, your Lordships are deciding against the House of Commons upon a direct adjudication of the House of Commons, because the House of Commons have made a distinct order upon this subject. The order, which proceeds upon a resolution, is an adjudication of The House that the party who had contemptuously refused obedience to the summons which had been served upon him, of which he had notice, should attend The House forthwith. And therefore, if your Lordships were to come to the conclusion here, that supposing the party had been brought before your Lordships upon habeas corpus, upon your scanning the warrant in the way proposed by my learned friend, your Lordships would decide that the party was entitled to his discharge, your Lordships would decide directly contrary to the express decision of the House of Commons upon the subject, and I have shown your Lordships already there is no distinction in principle between an application by habeas corpus and an action of assault and false imprisonment, to obtain damages.

Now, my Lords, this view does not stand entirely upon this case of The Queen *v.* Paty, but there is Brass Crosby's case, to which I have already referred, and there are a variety of other cases. I do not fatigue your Lordships with going minutely into all those cases, because they were fully before your Lordships, many of them in the case of Stockdale *v.* Hansard; but Lord Chief Justice de Grey says, "Whether the authority committing the Lord Mayor is a legal authority or not must be adjudged by the return of the writ now before the Court. The return states the commitment to be by the House of Commons for a breach of privilege, which is also stated in the return; and this breach of privilege or contempt is, as the counsel has truly described it, threefold, discharging a printer in custody of a messenger by order of the House of Commons, signing a warrant for the commitment of the messenger, and holding him to bail, that is, treating a messenger of the House of Commons as acting criminally in the execution of the orders of The House." In order to see whether that House has authority to commit, see Coke's 4th Institute, 23. Lord Coke says they have a judicial power; each Member has a judicial seat in the House. He speaks of matters of judicature of the House of Commons, 4 Institute, 23: "The House of Commons without doubt have power to commit persons examined at their bar touching elections, when they prevaricate or speak falsely; so they have for breaches of privilege; so they have in many other cases. Thomas Long gave the mayor of Westbury 4*l.* to be elected a burgess; he was elected, and the mayor was fined and imprisoned, and Long was removed. Arthur Hale, a Member, was sent to the Tower for publishing the conferences of The House."—4 Institute, 23. This power of committing must be inherent in the House of Commons from the very nature of its institution, and therefore is part of the law of the land. They certainly always could commit in many cases. In matters of elections, they can commit sheriffs, mayors, officers, witnesses, &c., and it is now agreed that they can commit generally for all contempts. All contempts are either punishable in the Court contemned or in some higher Court. Now the Parliament has no superior Court, therefore the contempts against either House can only be punished by themselves. In the case of the Aylesbury men, the counsel admitted, Lord Chief Justice Holt owned, and the House of Lords acknowledged, that the House of Commons had power to commit for contempt and breach of privilege; indeed, it seems they must have power to commit for any crime: "That was wrong, undoubtedly, because they have power to impeach for any crime, but not to commit for any crime." But that was an observation of my Lord Holt, which certainly shows that he had very confused notions in so far as to the power of the House of Commons. This was a dictum of my Lord Holt's, which was cited by my Lord Chief Justice de Grey: "When the House of Commons adjudge anything to be a contempt, or a breach of privilege, their adjudication is a conviction, and their commitment in consequence is execution, and no Court can discharge or bail a person that is in execution by the judgment of any other Court. The House of Commons therefore having an authority to commit, and that commitment being an execution, the question is, what can this Court do? It can do nothing when a person is in execution by the judgment of a Court having a competent jurisdiction. In such case this Court is not a court of appeal."

Now I should mention, as I have referred to this case of Brass Crosby, a circumstance which escaped me in the course of that part of the argument to which it more immediately referred. My learned friend was objecting to this warrant of the House of Commons because it did not contain any specification of the party having been guilty of an offence. It is remarkable that, in this very case of Brass Crosby, the warrant which was issued under the hand of the Speaker was a warrant which did not contain any statement of any offence. It was upon that ground that the Lord Mayor refused to assist the messenger, and actually committed him because he said the warrant was an illegal warrant, and discharged the prisoner; and it was upon that very proceeding of the Lord Mayor's that the House of Commons committed him for the contempt; and this case of Brass Crosby, which I have read to your Lordships, proceeded upon his application to be discharged out of custody upon that commitment for contempt. Your Lordships will find that in the Report of the Committee of 1770, to which I have already alluded.

Now we have again the authority of this Court, of a Judge of the greatest learning, I allude to my Lord Tenterden in Hobhouse's case, in favour of the position for which I am contending. That will be found reported in 2d Chitty, page 209. Lord Tenterden says, "It has been settled by many precedents brought from time to time before the different Courts of Westminster Hall, and finally in the case of Sir Francis Burdett *v.* Abbot, which went by writ of error to the Exchequer Chamber from this Court, and ultimately to the House of Lords, that it is competent for the House of Commons to commit for a contempt

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

of their privileges, and that they are the judges, and the only judges, of what is a contempt of their privileges. There are a great many cases in which this Court, and other Courts of Westminster Hall, have from time to time refused to discharge a person so committed, on the ground that the Court has no authority to entertain such an application. The cases of Lord Shaftesbury and the King *v.* Patty are decisive authorities to show that the Courts of Westminster Hall cannot judge of any law, custom, or usage of Parliament, and consequently they cannot discharge a person committed for a contempt of Parliament. The power of commitment for contempt is incident to every court of justice, and more especially it belongs to the High Court of Parliament, and therefore it is incompetent for this Court either to question the privileges of the House of Commons, or a commitment for an offence which they have adjudged to be a contempt of those privileges. Here the House of Commons have adjudged (as appears by the warrant) that the gentleman on the floor has been guilty of a contempt in having published a seditious libel, of which he has acknowledged himself to be the author. We cannot inquire into the form of the commitment, even supposing it is open to objection on the ground of informality."

Is not this a distinct authority in favour of the position I am contending for under the fourth point, that this Court has no power whatever, even if it assumes that there is an informality in the form of the warrant, to decide against the validity of the warrant? It has no power to set it aside upon the ground of its being defective. "Dismissing, therefore, the general question as to the power of this Court to discharge a person committed by the House of Commons for a contempt of its privileges, it is necessary to advert to the circumstances under which the Court granted a habeas corpus in this case, in order to correct an erroneous opinion which seems to have obtained." I will not trouble your Lordships with that. I think it might be found to answer any observation which my learned friend might make with regard to the effect of a habeas corpus.

The next authority is the case of Jay and Topham, in 12 State Trials, page 826. Now I shall not here stop to inquire whether the proceedings which were adopted by the House of Commons upon that occasion against the two Judges who were summoned to the bar of The House to answer for their judgment in that case of Jay and Topham, were correct and justifiable or not. It is quite unimportant to my argument to discuss that question. But what I wish particularly to call your Lordships' attention to is, what those two Judges admitted, that supposing a plea had properly raised before them the question upon which they might have been called upon to decide what their decision must necessarily have been. Chief Justice Pemberton says (Sir Francis Pemberton he was then), "Now here it is allowed by all people living, I think no Judge ever denied it, that the order of this House was sufficient to take any one into custody. No judge, I presume, ever thought otherwise; but if this be pleaded to the jurisdiction, here the hands of the Court are closed, so that whether he had such an order or not is not to be inquired of by the Court. But if it be pleaded in bar, so it is a good bar, and he will have as much advantage as any, and all people must allow it is a good bar. And then he goes on to say: "in this case, if Mr. Topham comes and pleads this by way of bar, no court will deny but it is a good justification; he has answered to the thing, and justified what he has done:" now what was that? An order of the House of Commons.

Now what the nature of that order was we have an opportunity of ascertaining, because in a note to Burdett *v.* Abbot, in 14 East, page 102, the form of the order of commitment is given, and it appears to be as general as anything well can possibly be conceived. "Ordinatum et præceptum fuit ipso prædicto Johanni Topham secundum legem et consuetudinem Parliamenti quod ipse prædictus Johannes Topham;" and there was the authority. Nothing can be conceived more general, nothing more closely resembling the present case; and Sir Francis Pemberton says, "In this case, if Mr. Topham comes and pleads this by way of bar, no Court will deny that it is a good justification; he has answered to the thing, and justified what he has done." And then he says on a future day, after he had had time to consider, "That this House was a superior court, of a higher nature than the King's Bench and of a greater authority, and that the King's Bench had nothing to do to inspect the actions of this House, or to examine what was done by virtue of any orders of this House." Then he says, "Then I did consider with myself that if this plea should be overruled the defendant was at no prejudice, for the same matter might be pleaded by way of bar. And it would have been a good bar if true, and he could have no manner of prejudice that I know of by pleading as the Court directs. We did not question the legality of your order, nor the power of them; but the great business was, whether he had pursued this order of the House of Commons, and that was the thing properly examinable."

Then Sir Thomas Jones says, "Thereupon I think Mr. Topham was advised and told that he ought to plead this matter in bar, wherein there would be full consideration and perfect regard given to the commands and authority of this House, and all imaginable reverence; if he had but produced a copy at most of your Journal, that had been sufficient, and no Judge would have been so silly, or imprudent at least, to have said that had not been a good and sufficient authority." And then he says, "And if it be so in cases of Acts of Parliament, as nobody will deny, then I thought it might be so when there was only a command of the House to do such a thing (the reverence to which would have been perceived if there had been a plea in bar)." And then he says, "There was an abuse of that order in the exacting 30*l.* complained of."

Now I overheard an observation which my learned friend made, that those remarks of the learned persons who were brought before The House were made under duress. That is an observation, as applicable to them, which nobody ever suggested before. Very strong remarks, indeed, in the case of Stockdale *v.* Hansard, were made by some of your Lordships,

ships, with respect to the proceeding of the House of Commons in this particular instance; but with regard to the declarations made by those two learned persons, as to their acquiescence in the authority of The House, shown by their order, supposing it had been pleaded in bar, no one of your Lordships expressed anything like an opinion that that was not founded upon sufficient reason, and was not after due deliberation, and with perfect freedom of thought and of action.

My Lords, the next case to which I shall refer your Lordships is Lord Shaftesbury's case, which has been mentioned by my learned friend, Mr. Kelly. That is to be found in 6th State Trials, page 1271. In that case he was committed by the House of Lords: the form of the commitment is given in page 1271.

Mr. Justice *Wightman.*—By the commitment, do you mean the warrant?

Mr. *Solicitor-general.*—I mean the warrant. It was an order of the House.

Mr. Justice *Wightman.*—Not the Speaker's warrant?

Mr. *Solicitor-general.*—No, it does not appear. I presume it was an order. It was, in fact, a warrant or authority. There is no magic in terms. The warrant was, in fact, an order for the apprehension of Lord Shaftesbury. Because it is "Ordered, that the Constable of His Majesty's Tower of London, or his deputy or deputies, shall receive the bodies of James, Earl of Salisbury, Anthony, Earl of Shaftesbury, and Philip, Lord Wharton, members of this House, and keep them in safe custody, within the said Tower, during His Majesty's pleasure and the pleasure of this House, and this shall be a sufficient warrant on that behalf."

In that case the Judges say this: Sir Thomas Jones says, "Such a commitment by an ordinary Court of Justice would have been ill and uncertain; but the case is different when it comes before this High Court, to which so much respect has been paid by our predecessors, that they have deferred the determination of doubts conceived on an Act of Parliament until they have received the advice of the Lords; and now, instead thereof, it is demanded of us to control the judgment of all the peers, given on a Member of their own House, and during the continuance of the same session. The cases where the Courts of Westminster have taken cognizance of privilege differ from this case; for in those it was only an incident to the case before them, which was of their cognizance, but the direct point of the matter is now the judgment of the Lords. The course of all courts ought to be considered, for that is the law of the court, and it has not been affirmed that the usage of the House of Lords has used to express the matter more particularly on commitments for contempts, and therefore I shall take it to be according to the course of Parliament." 4 Institute, 50. "It is said that the Judges are assistants to the Lords to inform them of common law, but they ought not to judge of any law, custom, or usage of Parliament."

Now here I would say, it has not been affirmed that the usage of the House of Commons has used to express the matter more particularly in their warrants to arrest a party, and bring him before them; and therefore your Lordships ought, in pursuance of this authority, to take it to be according to the course of the House of Commons; and your Lordships therefore have no power, according to these high authorities (all of which must be utterly disregarded upon the present occasion if the power is assumed by the Court), your Lordships have no power to question the exercise of the admitted general jurisdiction of the House in a particular case. And even if your Lordships should be of opinion that the form of the warrant which is used is faulty, still that your Lordships having nothing before you to satisfy you that it is contrary to the invariable uniform usage and practice of the House of Commons, you can have no power to control the exercise of their discretion in this particular instance.

My Lords, I ought perhaps, before I leave this part of the case, to cite two authorities with regard to the refusal of the courts to interfere with the practice of other courts, even where the court in the one instance I am about to cite to your Lordships, was clearly a court not of co-ordinate, but of inferior jurisdiction. Both of those cases were courts of inferior jurisdiction, where your Lordships could interfere and prohibit the proceedings, by virtue of the superior power you possess to control them.

My Lords, in the case of exparte Smith, 3 Adolphus & Ellis, page 719, it was held, that "where a cause has been brought before the Judicial Committee of the Privy Council on appeal from the Court of Arches, and the Judicial Committee has decided in favour of the appeal, at the same time retaining the principal cause, and ordering the unsuccessful party to appear absolutely, subject to the approbation of the King in Council, which approbation has been afterwards given, this Court cannot, on a suggestion of error in the decision, issue a mandamus to the Privy Council to receive a petition for a rehearing of the appeal."

Mr. Justice Littledale delivered the judgment of the Court. That learned Judge says, "In the present appeal the prayer of both parties is, that the principal cause should be retained. The Judicial Committee have retained it, and have decreed Mr. Smyth to appear absolutely. Whether they are right in so decreeing or not, is a question of practice, not of jurisdiction. The temporal courts cannot take notice of the practice of the ecclesiastical courts, or entertain a question whether in any particular cause admitted to be of ecclesiastical cognizance, the practice has been regular."

There is a most direct authority, that even in the case of an inferior court—a court over which your Lordships sitting here have control, where they are in the exercise of an admitted jurisdiction, and where it is a question of practice and not of jurisdiction, your Lordships are wholly unable to take cognizance of what is the peculiar practice of that particular court. And yet it is to be said, that although your Lordships have, by your own statement, in that case disabled yourselves from taking cognizance of the practice of an inferior court, yet the House of Commons is subordinate to your Lordships' jurisdiction in this

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

this particular; and that in a case in which their general jurisdiction is not denied, and in which the question is merely with reference to the particular exercise of that jurisdiction, and the mode in which it has been exercised, your Lordships may with regard to the House of Commons, take cognizance of, and decide, that with regard to that practice, it is false and erroneous, and that it makes the proceedings utterly void; although it is part of my learned friend's argument that your Lordships can take no notice and have no cognizance of what is the practice of the House of Commons, in this or in any other respect.

The same application was made in the Court of Exchequer, and it is reported in 2 Crompton, Meeson & Roscoe, page 754; Lord Abinger says, "Mr. Smyth says that they had no jurisdiction; but in that he is mistaken. They have the power to remove the original suit into their own Court, and there to retain it, and take cognizance of it in the same way that the Court of Delegates might have done. If so, they have jurisdiction in the case. If they have made a mistake, whether in some interlocutory matter or in their final judgment, we cannot remedy it; this Court cannot sit in appeal upon it. I might have said that it is not very consistent with our law to give a Court an original jurisdiction, and no power of appealing to some other Court to have its judgment reversed. The error, if any, is that the judgment is erroneous; not that the Court had not jurisdiction, but this Court is not a Court of Error. The matter complained of is matter of practice, which is never the ground for prohibition, though it may be sometimes of a writ of error. The Court has jurisdiction of the cause, and has power to make decrees and orders in regard to it."

Now, my Lords, permit me for one moment to apply these last cases to the consideration of the present question. Here there is an order of the House of Commons, as there was an order or decree of the Ecclesiastical Court in that case. That order is admitted to be in accordance with the ancient usages, and with the law and custom of Parliament. I assume that upon the present occasion the general jurisdiction is admitted; that the House of Commons has at least a co-ordinate if not a superior authority to this Court is admitted; that this is a question which relates to their mode and form of proceeding must be admitted. It is impossible for my learned friend to mislead your Lordships by insisting that this is not a merely formal matter, but that it is a substantial objection to the proceedings of the House of Commons. It is the mode in which the House of Commons have exercised their acknowledged jurisdiction; it is the form of warrant which they have thought proper to adopt; it is what they have alleged to be in pursuance of their ancient usages, according to the law and custom of Parliament; it is a question of practice, and nothing but practice, upon which your Lordships are here called upon to decide.

Now those cases show what your Lordships have felt with regard to Courts inferior to this Court, where it was not a question of jurisdiction, as it is not here. For I entreat your Lordships to consider that you are not called upon here to decide at all with regard to the jurisdiction, because the jurisdiction appears to be completely admitted. It is not a question of jurisdiction; but the question is as to the exercise of that jurisdiction. Your Lordships having decided in those cases, that even with regard to the inferior Courts your Lordships have not the power to take cognizance of what their mode of proceeding may be, can your Lordships entertain the opinion to which my learned friend asks you to come, that although you are disabled in those cases, and your hands are tied by the judgment you have pronounced, yet that you are free to scan and to criticise a step which the House of Commons may have taken in the course of the exercise of their unquestionable privileges; and that, if it is not consonant to your Lordships' views of what ought to be the practice upon these occasions, your Lordships shall say that the proceeding is altogether erroneous and void, and that it constitutes no justification whatever to the officer who has acted in pursuance of that authority?

My Lords, even supposing that you consider upon this occasion, contrary, as I submit, to your own express decisions; supposing that you consider that you have the power to scan the propriety of this warrant, can it be reasonably contended that this warrant does not contain sufficient certainty; as much certainty as the law requires in a proceeding of this kind? My Lords, suppose the question had arisen upon the ancient usage of the House to send merely the mace to a party who was contemptuously refusing to obey the orders of the House. In that case there would be no form, except the ceremony of sending the mace, upon which your Lordships could form no judgment at all. Now is not this, at all events, more certain than that mode of proceeding? I have shown your Lordships that upon various occasions parties were ordered instantly to be brought before the House; and there is no reason for imagining that in those cases no warrant issued. Surely this warrant, when it comes to be examined, contains within it infinitely more information than that mode of proceeding would convey to the party by merely sending the authority of the House, signified by its mace and its Serjeant-at-Arms, to require the attendance of the party at the bar; because here my learned friend says, if the party had desired to see the warrant, it would have been doubtful whether it was not an authority to the Serjeant-at-Arms to take him, and to keep him in custody for an indefinite time.

My Lords, I apprehend that here we are entitled (although my learned friend contends upon this second point that we are not so entitled) to pray in aid the allegations which are contained in the plea, in order to show that your Lordships have authority in this particular instance; and then, if you pray in aid these allegations, it appears that upon the matters which were debated it was considered by the House important that the plaintiff should be summoned to attend, in order to give information, and to be examined in respect of those matters and things; and that the plaintiff had notice of this, and, as he admits, contemptuously refused obedience to that summons, and partly secreted and concealed himself. Is it not mere childish trifling to say, that if under those circumstances a warrant of the House

of

of Commons in this form proceeded against the party, he would not have the slightest notion of what was the object and intention of the warrant, where the warrant itself recited the order that the party should be sent for in the custody of the Serjeant-at-Arms, and required the Serjeant to take him into custody in pursuance of it? It recites the judgment against the person of the plaintiff; it follows that judgment by requiring the officer to take him; and then can it be reasonably contended that it could convey no information to the party of what he was to be taken for, or that he was to be taken in pursuance of that judgment which is put in the warrant as the very foundation of the authority upon which the Serjeant-at-Arms is to proceed.

I submit, therefore, my Lords, that upon all the three points which have been raised by my learned friend, a complete answer has been given. That in the first place the warrant is amply sufficient; that even if it were not sufficient, your Lordships have no power whatever to decide against the validity of the warrant, it being a mere matter of practice; that we may in an action of pleas pray in aid the allegations in the plea, not for the purpose of ekeing out the validity of the warrant, but in order to show that The House had jurisdiction over the matter, and that they proceeded in this particular case against the plaintiff. And then, in the third place, I have clearly and distinctly shown to your Lordships overwhelming authority as to the right of the House of Commons to proceed in the pariicular way in which they have acted upon the present occasion; and I submit, therefore, that upon all those three points I am entitled to your Lordships' judgment. But, my Lords, that does not conclude the question here, because there is still——

Lord *Denman*.—We must postpone the further hearing of this case.

Mr. *Solicitor-general*.—The other point, which I shall merely state now for the convenience of your Lordships, is this: I am sorry to be put to argue it, as I was in hopes that, before we arrived at this stage, your Lordships would have been satisfied; but I mean to argue, although very reluctlantly and very unwillingly, that even supposing your Lordships should come to the conclusion that this proceeding is erroneous and void, still there can be no action maintained against the officer who obeyed the orders of The House, and executed that warrant. I mention that now for your Lordships' convenience.

Mr. *Kelly*.—Will your Lordships intimate when this argument will be continued?

Lord *Denman*.—On Tuesday.

[Adjourned till Tuesday next.

SECOND DAY.—*Tuesday*, 19 *November* 1844.

Mr. *Solicitor-general*.—My Lords, in arguing this case on Friday last, your Lordships may recollect that I refused to confine myself to the narrow and technical ground which formed the principal basis of my learned friend Mr. Kelly's argument; but finding, by the reasons which were assigned for the demurrer, and by the observations of my learned friend, that powers and privileges of the House of Commons which had been the longest recognised, which had been the earliest exercised, and which were essential to the discharge of their constitutional functions, were assailed, I felt it to be my duty to call your Lordships' serious attention to the important principles which were involved in the discussion, and confidently to anticipate your Lordships' decision in favour of the defendant.

The case of Stockdale *v.* Hansard having been alluded to in the course of my learned friend's argument, I took occasion to remark, that, without trenching at all upon that decision, but in perfect conformity with the principles upon which that case was decided, and more especially with the pointed dicta of all your Lordships, which appear almost to have anticipated the present question, your Lordships might come to a decision in favour of the defendant; and I then proceeded, more particularly, to invite your Lordships' attention to the mode in which this question was raised upon the record. I pointed out that there was an assertion in our plea of the existence of ancient usages and privileges of the House of Commons, and of the law and custom of Parliament, upon which all the proceedings were alleged to rest, and I thought it important that I should advert to an observation which was made by one of your Lordships in the case already referred to, that in the case of Stockdale *v.* Hansard there was no assertion of the existence or exercise of the particular privilege which was claimed, and the effect which would have been produced by such an allegation, followed out by demurrer on the part of the plaintiff. I pointed out that in this case, distinguishing it from that one, there were allegations of the most pointed and precise description, followed by demurrer on the part of the plaintiff.

My learned friend, Mr. Kelly, having, in the course of his argument, ventured, in the most positive and boldest language, to deny the existence of any right or power in the House of Commons to summon witnesses before them, and to compel their attendance, I thought it important that your Lordships should be directed to the authorities upon that subject; and I referred more especially to the Journals of the House of Commons, which, however decried by my learned friend, are pointed to by my Lord Coke as the great sources of authority for the law and custom of Parliament. My learned friend having relied upon Lord Coke as his principal authority for the greater part of his positions, I showed how essential those powers were for the discharge of the constitutional functions of The House, and pointed out that they had been repeatedly recognized by different authorities, to which I directed your Lordships' attention, and more especially by the pointed admissions of their existence which were made by your Lordships, who decided the case of Stockdale *v.* Hansard.

Having, therefore, established those positions upon what I trust will be found to be the firmest foundation, I proceeded then particularly to advert to the question of the validity of the warrant, and of the power which this Court would exercise to question its validity,

Appendix, No. 3.

Argument.
15 November 1844.

Mr.
Solicitor-general.

dependent, as it was, upon the practice of The House. In the course of my observations upon that part of the argument, I offered such answers as occurred to me to the objections which were raised by my learned friend to the form and to the substance of the warrant; and I should wish to make a few additional observations upon this part of my learned friend's argument before I conclude. My Lords, the objections which my learned friend takes to the warrant are these: that it does not allege any charge against the plaintiff, nor any offence of which he had been convicted, nor any legal grounds for arresting him; and in regard to the form of the warrant, that the authority to the Serjeant-at-Arms, the officer of the House of Commons, does not pursue the Order of The House, my learned friend stated that the defendant must stand or fall by that warrant, and that it was not competent to him to refer to the other allegations in the plea for the purpose of laying a foundation for the exercise of the jurisdiction of The House. For the purpose of impeaching the validity of the warrant, my learned friend adverted to various authorities derived from my Lord Coke, from Lambard, and from cases which had been decided in the Courts, which are applicable to the warrants of justices of the peace; and I ventured to say upon that occasion that I would not accept the analogy; that I would not argue the case on the part of the House of Commons upon that low footing; that I would challenge for the warrant of the House of Commons a higher authority and consideration than could be claimed for those warrants to which my learned friend referred; and that they were not, I contended, to be scanned and criticised in the same manner. Upon reflection, I am satisfied that I was right in the view which I then took; but, at the same time, I should even be content, upon the authority to which I wish to refer your Lordships, to accept, for the moment, the analogy which had been offered by my learned friend, and to show your Lordships that, consistently with that analogy, there is a direct authority for saying that this warrant would be a perfectly valid warrant, supposing it had emanated from even a lower authority than that of the House of Commons.

My Lords, the case to which I beg particularly to call your Lordships' attention is the case of George Goff, which is in 3d Maule and Selwyn, page 203: "Goff was committed to the county gaol by warrant of two justices, upon complaint made against him, for that he, having been duly appointed collector of the rates for the parish of Richmond, pursuant to Statute 25 Geo. 3, c. 41, refused to account and pay over the monies collected by him by virtue of the Act to *W. S.*, the person duly authorized to receive them, and the justices adjudged that he should be committed to the gaol, there to remain without bail or mainprize until he should have made a true and fair account, and until such money as upon the said account should appear to be remaining in his hands should be paid by him or his sureties to *W. S.*" That is an adjudication like the Order of The House; "and they required the keeper of the gaol to receive and safely keep him until he should be discharged by due course of law; and because the warrant directed that he should be detained until he was discharged by due course of law, Curwood on a former day obtained a habeas corpus, contending that the warrant was read, and recited Yoxley's case, Bracy's case, Hollingshead's case, and Baldwin *v.* Blackmore, and now (the prisoner having been brought from court, and the warrant read), Marryat contended that the commitment was well enough." Then the question is argued, and Lord Ellenborough, Chief Justice, says, "If there was any uncertainty on the face of the commitment I should have agreed with the argument; but, coupling the premises with the conclusion, is it not in effect the same as if the warrant had directed the gaoler to detain the party until he had accounted? We must read the warrant as if the magistrates had in the conclusion recited over again the adjudication." And Mr. Justice Le Blanc says, "Some precise authority ought to be shown to justify the Court in adopting the objection made to this warrant. When the party has accounted, and paid over the money, he will be entitled to be discharged by due course of law."

My Lords, the authority of this case is recognised and established in the case of Daniell *v.* Phillipps, which is in 1st Crompton, Meeson and Roscoe's Reports, p. 662. That case, however, turned upon a different point; it turned upon the effect of the 7th and 8th of George the 4th, c. 30, sect. 24, and it explains an observation that was made by Mr. Justice Coleridge in the course of the argument on Friday last. His Lordship asked, whether in an action brought against a magistrate, upon a warrant of commitment issued by the magistrate, it was not a defence to the magistrate if he showed that there had been a good conviction. It depends upon this very Act of Parliament on which this case was decided, the 7th and 8th of George the 4th, c. 30, which provides——

Mr. Justice *Coleridge.*—I did not mean to express any opinion, Mr. Solicitor, because I was aware that the case of Wickes *v.* Clutterbuck, in the Common Pleas, decides the contrary; Daniell *v.* Philipps may be considered rather in contradiction in some respects.

Mr. *Solicitor-general.*—It depends entirely upon the words of the Act of Parliament. The Act of Parliament enables a magistrate to set up a good conviction, even supposing the warrant is defective in terms. It was a mere incidental remark, as I referred to the case of Daniell *v.* Philipps, for the purpose of calling your Lordships' attention to the recognition of the authority of Goff's case.

Lord *Denman.*—The 7th and 8th of George the 4th was after Wickes *v.* Clutterbuck.

Mr. *Solicitor-general.*—Yes, my Lord, it was. The 7th and 8th George 4th, c. 30, s. 39, enacts, that no such conviction or adjudication made on appeal, therefore, shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same." Mr. Baron Parke, in delivering the judgment of the Court in Daniell *v.* Philipps, said, "In the present case the conclusion of the warrant of commitment

commitment is clearly wrong, unless the words 'unless he be released by the due order of the law' are equivalent to the qualification which the statute requires, and which ought to have been introduced, viz. unless the money should be sooner paid. But that they are not equivalent appears by Dr. Groenvelt's case, and by the Mayor and Churchwardens of Northampton's case, and Yoxley's case. The case of Goff is no authority to the contrary, for there was no uncertainty on the face of the commitment; the adjudication was recited, and was correct; and the Court construed the conclusion of the warrant with reference to the recital in the warrant itself. There is no doubt, therefore, in our minds but that the conclusion of this warrant of committal is wrong, and the commitment void unless it be aided by the 39th section above referred to." Then his Lordship reasons upon the words of the statute, and he then goes on in this way: "Our opinion is, that as both instruments must be looked at by all parties concerned in the validity of the warrant, whenever there is any defect in it both are to be read together, and to be held explanatory one of the other, and if thus reading them the conviction justifies the commitment so explained, it is sufficient. Taking the two together in this case, the conviction explains the ambiguous words at the end of the commitment, and they may, on the principle of the decision in Goff's case above referred to, be construed, by aid of the conviction, to mean that the plaintiff is to be imprisoned for a month, unless the money be in the meantime paid."

Now, my Lords, applying these authorities to the terms in which the present warrant is expressed, your Lordships find that that warrant recites the Order of the House of Commons that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, and it directs the Serjeant-at-Arms to take him into custody. If Goff's case, and the other case in the Exchequer, to which I have directed your Lordship's attention, are authorities for the position that even in the case of a subordinate officer his warrant may be made good by reference to a recital in it, and which is to be taken as a part of it, and as explanatory of the authority conveyed, it distinctly appears what was the act for which the plaintiff was to be taken into custody by the Serjeant-at-Arms; and it explains further the objection which my learned friend has made here, that he was to be taken into custody, and that there was no statement whatever made what the Serjeant-at-Arms was to do with him. Here is a reference to the Order of the House of Commons that he was to take him into custody for a specific object, that object being that he should be brought before The House.

It is clear, therefore, if I am right in this view which I have now presented to your Lordships, that that reduces the objection of my learned friend to the warrant, at all events, to a mere formal objection. Your Lordships find that upon the warrant itself there is an Order of the House of Commons, which Order, according to Mr. Justice Bayley's opinion, expressed in Burdett *v.* Abbot, is equivalent to a judgment. My Lords, that learned Judge says, in page 159, "When The House make an Order that their Speaker shall issue his warrant, they do not direct him to do it as a subordinate minister to them, but only as being the individual Member of greatest dignity in The House, by whom, on this and other occasions, The House speaks and acts; and his act in this respect is not, I think, the act of an officer, but the act of a Member of The House; but if it were the act of an officer of The House, acting under and by virtue of its judgment on the subject-matter, I cannot help thinking that where a court has competent jurisdiction to decide upon a point, and has decided and given judgment upon it, and they direct their officer to carry that judgment into execution, the officer is protected by that judgment: if the court have ordered him to do that which was within their jurisdiction to order, he is bound to obey their order." Now his Lordship there puts it precisely upon the footing of a judgment, the direct order in the particular case.

Then, my Lords, there being nothing whatever to show (I am putting the argument now low, in favour of the defendant) that this Order is inconsistent with the practice of The House, your Lordships will intend everything in favour of the jurisdiction apparent now upon the face of the warrant, just in the same way as you would intend everything in favour of the practice of a court of co-ordinate jurisdiction, if the question were to be brought before you to decide upon any warrant or authority of law emanating from that court. I have shown your Lordships that in instruments of this description, issuing out of your own court, or out of any of the superior courts of co-ordinate jurisdiction, there is never any recital of the prior proceedings, and especially with regard to attachments issuing from the Court of Common Pleas, that they are in the most general and indeterminate form which can possibly be imagined, not giving the party the slightest intimation of that for which his attendance is required. I therefore submit that your Lordships here will intend from the warrant itself that it was issued in a matter over which The House had jurisdiction, there being nothing whatever to show that it was in the least degree contrary to the practice and usage of The House.

My learned friend, Mr. Waddington, has put into my hand an authority, to which I think it right to allude, upon that part of the case, as to referring to the Order to evidence the validity of the warrant, the case of Coster *v.* Wilson and another, which is in 3d Meeson & Welsby, page 411: "A warrant of commitment under the 11th Geo. 2, c. 19, s. 4, did not state that there had been a complaint in writing to the justices, or that the examination of witnesses was upon oath, but it referred to the order of the justices (for payment of double the value of the goods removed) in which those matters were stated." It was "held sufficient, and that the justices were not liable in trespass."

I therefore am content in this part of the argument to take what has been said by my learned friend, that the defendant must stand or fall by the warrant. I have shown your Lordships that the warrant is valid by reference to the order which is recited in it; and I have shown by a variety of authorities, to which I called your Lordships' attention during the

Appendix, No. 3.
Argument.
15 November 1844.
Mr-
Solicitor-general.

the course of the argument on Friday last, that neither will this Court, nor will any other court, interfere with the practice of a court of co-ordinate jurisdiction. But, my Lords, if your Lordships should consider that you ought not to make that intendment which I submit you would make, then I am entitled to pray in aid the allegations which are contained in the other part of the plea, which show that the House of Commons were proceeding in a matter in which they certainly had jurisdiction, and that they proceeded in that matter according to ancient usages and privileges of The House, and the law and custom of Parliament; and there is, therefore, a complete authority shown upon the face of these pleadings.

My Lords, the only other matter to which I should consider it necessary to direct your Lordships' attention, are those objections, which my learned friend almost apologized for taking, to the form in which the allegations are contained in the plea, and there is only one of those to which I shall consider it necessary to advert. My learned friend says that throughout the pleas it is alleged that the plaintiff had notice of the Order of the House of Commons, but that in none of the pleadings is it stated that he was served with the Order. When my learned friend stated his objection, Mr. Justice Coleridge asked, "Do you mean to say that personal service is necessary?" Upon which my learned friend said, "It is impossible to say, because we can know nothing of the practice of the House of Commons." But the first observation which I should make here is, that this is not alleged as a cause of demurrer. If it is merely formal, of course that would be an answer to the objection; if it is meant as an allegation of matter of substantial objection, then I apprehend that all that is necessary to render the notice a sufficient notice will be intended, and will be supplied to the allegation. For that I will just call your Lordships' attention to the authority of the Dean and Chapter of Windsor *v.* Gower, which is in 2d Saunders, page 305. In the course of the argument various authorities were cited; I merely read to your Lordships the course of that argument to show what a complete answer it is to this objection of my learned friend. "It is said that the plaintiffs being a corporation aggregate, had received rent from the assignee, and accepted him to be their tenant; but it is not shown that such acceptance is by deed under their common seal, and without that there could be no acceptance; wherefore the plea was insufficient; and so the matter of law would not now come in question as he concluded. But to this it was answered, that if a deed be necessary, it is implied in the plea; for an acceptance being pleaded, everything that makes it to be a good acceptance is implied, for otherwise it is no acceptance at all; and there are several cases to this purpose. In Plowden's Commentaries, 149, pleading that abbot and convent made a lease for life without showing any warrant of attorney under their common seal to make livery, is good. So in Croke (James) 411, the bailiffs and commonalty of Ipswich entitled themselves and did not show any letter of attorney under their common seal to receive livery, and without such letter of attorney the feoffment could not be good, yet the pleading was ruled to be good enough, because such letter of attorney was implied in the pleading: and so in Croke (Charles) 169, an entry for a forfeiture was pleaded to be made by the Dean and Chapter of Norwich, being a corporation aggregate, as the plaintiffs are here, and an exception was taken to it that there was no deed or warrant to enter alleged by them to be under their common seal; but the pleading was adjudged good because a sufficient entry shall be intended, and all necessary circumstances are implied." And then in a note of the learned editor there is this: "It is also said by Lord Coke, that all necessary circumstances implied by law in the plea need not be expressed, as in the plea of a feoffment of a manor, livery and attornment are implied." I do not know that I ought to trespass further on your Lordships' notice upon a point which my learned friend almost apologized for making, because the authorities seem to be numerous and precise upon the subject. In this case, even supposing a personal service to be necessary to make a complete notice, we have alleged that there was notice, and therefore as the plaintiff might have raised the issue of no notice, and we should then have been obliged to prove as a fact notice in the proper form of law, so now by demurrer he must be taken. at all events, to have admitted that there was a notice such as the law recognises.

Upon the last occasion, I mentioned to your Lordships that there was another point which at that time I was disposed to make, although I was extremely reluctant to do so, namely, that whatever might he your Lordships' opinion with regard to the validity of this warrant, yet it would furnish a protection to the officer of The House. My Lords, upon consideration, I think that I ought not to take that point: I think that it would be more becoming the dignity of the House of Commons to insist upon the validity of the whole of their proceedings than to attempt to shelter their officer by any authorities, assuming that your Lordships could be of opinion that their proceedings were not valid. I entertain the most perfect confidence that your Lordships, upon the argument which I have ventured to address to you, will come to the conclusion that the proceedings are regular, and that they furnish a complete justification; and feeling confident upon that subject, I should diminish in some degree the apparent strength of my own conviction, and of any argument which may have made an impression upon your Lordships, if I were for one moment in the course of the argument to suppose that those proceedings were invalid, and yet that they would furnish a protection to the officer.

Upon the whole, therefore, I submit that your Lordships now seeing that this is a proceeding which is admitted to have taken place in pursuance of the ancient usages and privileges of The House, will either upon the authorities which have been addressed to you, or upon your own knowledge of the law of Parliament, which is a part of the law of the land, take cognizance of the existence of this power; that this power has been exercised in pursuance of the ancient practiee and usages of The House; that there are authorities to show that

that even the form which has been adopted is perfectly correct if it has emanated from an inferior authority than that of the House of Commons; and under those circumstances, I certainly do feel confident that your Lordships will come to a conclusion in favour of the validity of the pleas, and will give your judgment accordingly.

REPLY.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

Mr. *Kelly*.—My Lords, in proceeding to address your Lordships in reply in this case, I must take the liberty of stating that I conceive nothing that has fallen from me in the course of the argument which I had the honour to address to your Lordships on Friday last, can at all warrant my learned friend in supposing that I, or even the argument which I then humbly ventured to submit to your Lordships, can have any tendency to bring the House of Commons into degredation or contempt. My Lords, I beg to state that, like my learned friend, I respect the House of Commons, and I respect its privileges, and I know not why my learned friend should suppose that I can have any desire to cause those privileges or powers of The House to be underrated, or to cease to be treated with that respect in this case to which both are undoubtedly entitled. But, my Lords, I do say, with equal freedom, that if I find the privileges of the House of Commons made to conflict with the just rights and liberties of the people of this country, I do impeach those privileges, I will deny those privileges, and I will, so far as I am able, in this Court and elsewhere, insist upon the maintenance of the rights, above all, of the personal liberty and the general liberty of the people of this country. My Lords, it is because I feel that the privileges of the House of Commons, as claimed by my learned friend upon the argument on this record, are directly inconsistent with that right to personal liberty sanctioned and provided for by Magna Charta, and continued to be enjoyed by the people of this country, with more or less of struggle and resistance, from the time of Magna Charta down to the present time, that I do call upon your Lordships to hold that these proceedings under the authority of the House of Commons cannot be maintained by the law of this country.

And now, my Lords, first, with regard to the great question of the validity of this warrant. My Lords, I have not observed that my learned friend has made any observations upon the authorities which I have cited to show that where an arrest has been made under a warrant issuing from any court of justice, and imprisonment has taken place under that warrant, it is necessary to set forth the warrant in pleading it as a justification for that arrest. My Lords, the authorities to which I referred your Lordships, and which have not been denied or impeached, show that it is necessary to set forth the warrant; and accordingly the warrant is here upon this record necessarily set forth, and set forth as a justification for the defendant for imprisoning the plaintiff.

Then, my Lords, it being admitted upon the record that the defendant has imprisoned the plaintiff, so that, *primâ facie*, there is a right of action of trespass by the plaintiff against the defendant, and the defendant himself expressly and directly averring that that imprisonment took place under and by virtue of a warrant, and he setting forth that warrant, being a warrant in writing, and now appearing upon this record before your Lordships, the question is, whether that warrant so set forth does constitute a justification in law on the part of the defendant. And now, my Lords, let me endeavour to set myself right with the Court against another part of the argument, or the address, of my learned friend, repeated upon several occasions. My learned friend said, over and over again, that I had offered to him this challenge and that challenge, and had made this claim and this assertion. My Lords, I was much misrepresented, I am sure quite unintentionally, by my learned friend, as to what I did submit to the Court, or as to any challenge, if I may use the expression, that I threw out to him. But, my Lord, this I did say, that if my learned friend could bring before the Court any authority at all to show that a warrant, under which a subject of this realm had been imprisoned, and which set forth no cause at all for that imprisonment, had ever been held valid in a court of law, I should at least admit that the researches of my learned friend had been rather more profound or more fortunate than mine. But, my Lord, throughout the argument, and with all the authorities that my learned friend has cited, there is none to show, there is not even the semblance of an authority to show that any single warrant, writ, or other mandate or instrument under which a subject of this realm has been for one moment imprisoned, has ever been held to be valid in law unless it set forth, in some terms or other, some cause, some purpose, to justify that arrest. My learned friend has talked of the necessity, as urged by me, of setting forth the offence. I do not say that a person may not be imprisoned without having committed an offence. But let us look throughout the whole range of the law, and it was to this that I invited my learned friend by way of challenge, if he deem it so. Look at the writs in civil process, whether in mesne process or in execution; look at the warrants in criminal cases, whether warrants to apprehend, to commit for trial, or warrants to commit after conviction; look at the middle case, partly civil and partly criminal, the writs of attachment issuing out of all the superior courts known to the law of this realm, and whether in one case or the other, whether in criminal cases or civil, whether the subject-matter be described with more or less certainty, with more or less technicality in point of form, where is there anything to be found pointing at this in the practice of the Court, or of any officer for the Crown, to the lowest officer or bailiff. That a warrant showing no cause at all for the arrest of a party has been held sufficient to justify the arrest of one of Her Majesty's subjects, I deny, and I may do so with

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

with confidence, now that the argument of my learned friend is concluded, and the result of his researches, and those whose assistance he has, is now before the Court; I do with all confidence, but humility, deny that the law of England recognises, or can recognise, the validity of such an instrument.

Then, my Lord, what is the question upon this part of the case, and how is it affected by the authorities now before the Court? Here is a warrant, to which I need not again call your Lordship's attention. It recites an Order of the House of Commons, that the plaintiff should be brought to the Bar of The House, I think, or sent for in custody; that is, that the plaintiff should be imprisoned; and then it proceeds to order its officer to seize and apprehend the body of the plaintiff accordingly; that is the warrant. Not only is no offence stated, no charge of any offence, no suggestion, no suspicion of any offence, but (and this is the great and prominent objection that I have made throughout to this warrant) there is no cause at all. It is not, arrest and bring the party before the House of Commons, in order that he may be made to give evidence upon a matter touching the welfare of the realm; it is not, bring him before the House of Commons, in order that he may answer to a charge of contempt; it is not, arrest him and bring him to the Bar of this House, in order that he may hear what, in this House, or by this House, shall be alleged against him, whether of a civil or criminal character; it is nothing of the sort; there is absolutely no cause whatsoever specified; and if this warrant be held by this Court to be valid in law, it can only be by upholding and establishing, by the decision of this high Court, the power of The House to command the arrest of every subject of the realm, and the same of the House of Peers, which has co-ordinate privileges, without cause, purport, or object, in any way assigned at all. And, my Lords, when my learned friend talks of not condescending to argue this or that point, or to recognise this authority or that authority, as cited by me, as applicable to the question of the right of the House of Commons to imprison a subject, am I in an English court of justice, the highest Court in the realm, to be driven to argue the question whether any person, or any body of persons, or any power in the State, has a right to imprison any one of Her Majesty's subjects without any cause at all, without giving the subject the power of determining whether the imprisonment is lawful, as it is the duty of every subject to do before he submits, and without giving him the means of bringing himself before a court, and without giving the court the means, or the opportunity, or the power of deciding whether he is justly imprisoned or not? My Lord, does the burthen of the argument lie upon me? Am I called upon to argue that there does not exist such a power, when, throughout the whole course of the law, no record or trace can be found pointing to such a power in the Sovereign, the House of Peers, or the House of Commons, down to the lowest officer or bailiff, or bailiff's follower, in the realm?

My Lords, my learned friend has undoubtedly, with great zeal and great industry, referred to various instruments or mandates recognised by law, under which, as he contends, arrests by law have taken place, and which he puts upon the same footing as this warrant, and he seeks thus to satisfy your Lordships that this warrant, by analogy to those other instruments, may be held valid. My Lords, the only document that I have observed, to which my learned friend has referred, calculated even to raise a doubt or question upon the subject, is the writ of attachment issued, not by this Court, but by the Court of Common Pleas, and my learned friend, to whose object and argument it is undoubtedly convenient that there should be some obscurity in the application of any authorities that he may bring forward, leaves it, or at least to me he has left it, somewhat doubtful whether he means to use this form of writ of attachment issued by the Court of Common Pleas against its own officers as an authority to show that there may be an arrest upon mesne process, that is, upon a mere charge of a contempt, and before an attachment, or whether he means to apply it as an authority to show that a writ of attachment, or some mandate, may issue, and lawfully issue, under which a subject may be imprisoned, and which may set forth no cause at all. But, my Lords, I will take it in each alternative.

If it be used as an authority to show that a party may be arrested under this very ancient writ in use and practice in the Court of Common Pleas without setting forth any cause at all, I beg to observe to your Lordships, that it does set forth a cause, and that a cause of which this Court may and must take notice, and remembering that that is the Queen's writ issued out of the Court of Common Pleas, one of the superior courts of Westminster Hall, by that Court against its own officer, and that officer a sheriff, an officer as ancient as the law of England itself, I apprehend your Lordship will find that, so far from stating no cause at all for the arrest, as is the case with this warrant, it states good and abundant cause to justify the arrest. Now, what is its form? Its form is this; it is, "To the coroner of the county," whoever he may be, "greeting: We command you that you attach , esquire, sheriff of the said county, so that you may have him before our justices at Westminster, on next after ." Now, is there no cause, no object, no reason, no purpose stated for which this warrant is issued? It is this: "To answer to us of and concerning those things which, on our behalf, shall then and there be objected against him."

Now, my Lord, if this had been the case of a warrant issued by the House of Commons against one of its own officers, and so far from stating no cause at all, it had been a warrant to apprehend that officer, and to bring him to the Bar of the House of Commons, there to answer such matters as should be alleged or objected against him by that House, then the cases would have been parallel; then my learned friend might have said, If you object to the form of this warrant that it does not specify an offence, that it only authorizes the officer to arrest the party in order that he may be brought to the Bar to answer such matters as shall be objected against him there, the matter would have appeared; it would have been to

answer

answer to such matters as should be alleged or objected against him. There would have been a cause, and the only question would have been, whether that was sufficient, and if that was a mandate as old as the law, it would justify the arrest. But when my learned friend uses this as an authority to show that an ordinary arrest, not of an officer of the House of Commons, but any individual, one of Her Majesty's subjects, even if this be construed to be an order to bring to the Bar of the House of Commons, but without saying at all for what; without saying that it is to answer to a charge of felony, or to answer to a charge of contempt, or to answer to anything at all; without saying that it is to force him to be put upon his oath, to subject him to examination, or to what other purpose; I can only observe, my Lord, that the two instruments are totally different. In the writs which have been issued by the Court of Common Pleas there is matter and cause alleged; there is an object alleged, and it is alleged in the clearest and most precise terms; it is to answer to such matters as shall be alleged or objected against him.

And, my Lords, although my learned friend has again charged me with challenging him to produce any instance of instruments of this character, I beg to remind my learned friend that in the course of the argument I felt it my duty to bring under your Lordships' attention warrrants issued, not by the superior courts of record in Westminster Hall, but by mere magistrates, during the whole or the greater part of the 17th century, which are precisely in this form; magistrates issuing their warrants to bring persons before them to answer to such matters as shall be objected against them by our Sovereign Lord the King. Therefore, so far from denying that such instruments do exist under the law of this realm, I admitted it; I brought them under the attention of your Lordships, and submitted them to the attention of the Court. At the same time I felt bound to say, and I say still, that the better opinion is that these warrants are not according to law. Lord Hale declares them to be void; Lambard likewise declares them to be void; and I may venture to say, that custom and practice in this kingdom have pronounced them to be void, at least to be voidable, because they appear to have existed for the first time about the reign of James the First, and they appear to have been discontinued from the time of the Revolution. No trace of such a warrant is to be found during the last century, or of course during the present century.

But your Lordships are not called upon to decide whether a writ issued by the Court of Common Pleas, or a warrant issued by a magistrate, to answer to such matters as shall be objected against the party to be apprehended, be valid or void; I should hope, if the time should ever come for that question to be decided, it will be held that such a warrant is void; but it is enough for me to say that that is not the question here. This warrant is not a warrant to apprehend the party and to bring him before any tribunal to answer to such matters as shall be objected against him, but it is a warrant simply and merely to imprison the party, without stating the purpose, the object, or the cause at all.

Mr. *Solicitor-general*.—Just allow me to say, with regard to attachments issuing out of the Common Pleas, they are not confined to sheriffs; they are attachments applying also to other persons.

Mr. *Kelly*.—I was going to say my learned friend need not have supposed that I was going to quit the subject of attachments, because it is necessary that I should pursue it in order to show another unintentional mis-statement of the practice of the Court of Common Pleas, which my learned friend seems to have fallen into with regard to writs of attachment. In the case to which I had occasion to refer your Lordships, in which so many of the Judges commented upon the intended written judgment of Chief Justice Wilmot, (to be found in Wilmot's Book, or Wilmot's Judgment,) your Lordship will remember that it is stated that the writ of attachment and the power to issue attachment for contempt out of all the superior courts is as old or older than Magna Charta. If, therefore, we find that all the superior courts of Westminster Hall have issued this writ time after time, from the very earliest period, and if we find that these writs are in one settled invariable form, we must say that no objection can be made to that form, although if they had been of modern origin they would be open to doubt and impeachment. If it be the case that the Court of Queen's Bench, or the Court of Common Pleas, or the Court of Exchequer, or any superior court has from time immemorial been in the habit of issuing any writ, the form of that writ cannot be questioned, because the form is as much part of the common law as the form of civil process or criminal under which one party or another can be arrested.

My Lord, the writ of attachment seems also to have been treated as an authority for the proposition, that a party can be arrested upon a charge of contempt, that is, not upon a contempt found and adjudged against him, but upon a charge of contempt; and reliance seems to have been placed upon the words, "To answer to such matters as shall be objected against him." But, my Lords, it must be remembered that this writ itself never issues but upon contempt found and adjudged. I repeat emphatically what I stated in the opening of this argument, that there is no instance to be found in any court of any writ or process issuing to apprehend and imprison a party upon a charge of contempt only. The meaning of these words, "To answer to such matter as shall be objected against him," and the meaning of this writ issued by the Court of Common Pleas, is to be found in the practice of the Court itself, and that practice is this, for it is substantially the same in both courts, and it is the same whether it issue against any party who may in any way have committed a contempt of the Court, that the writ never issues except upon a contempt found.

Now, my Lords, contempts are of various kinds. They may be committed by the sheriff or any other officer, by disobedience to the Queen's writ; they may be committed by private individuals, by a disregard or disobedience to any rule or order of the superior court, or by any insult or disturbance or other offence committed in open court, or in respect of the

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

court, or in respect of its process, which will amount to contempt in the judgment of the court. And with regard to these writs of attachment for such contempt, they are either absolute in the first instance, or they are upon a rule to show cause. Where they are upon a rule to show cause, I need not say here that the practice is well settled that the party cannot be apprehended; he must be served with the rule, personal service must be effected. Then being served with the rule to show cause, he comes and shows cause, or if upon the proof of personal service he fails to appear, then the court enter upon the consideration of the matter, and either upon default, if he do not appear, or upon insufficient cause shown, find him guilty of contempt, and adjudge that contempt has been committed, and then and then only do they issue attachment. So that down to this point there is no arrest by any court of Westminster Hall upon a charge of contempt only; even where the attachment is absolute in the first instance, still it is upon a contempt found and adjudged; and then, although in form it is absolute in the first instance, when we look at the cases, few in number, in which attachments have been granted upon motion in the first instance, they are substantially only after cause shown, or an opportunity to show cause. Take the case, the principal one I believe, I will not venture to say the only one, but the principal one as applicable to parties not officers of the court, attachments for not paying a certain sum for costs pursuant to the Master's allocatur, that is absolute in the first instance; still it is for contempt found. In the first instance the contempt is found; he is guilty of contempt in not paying the costs, pursuant to the Master's allocatur, and he is imprisoned therefore upon a writ of attachment, not upon a charge, not in order to bring him forward to answer to a charge to that is be made against him, but because he is adjudged guilty of contempt in not paying the costs in question.

But again, my Lord, is that substantially imprisoning a man without calling upon him to answer? It clearly is not; because the very ground upon which an attachment will issue in the first instance, for not paying the costs, pursuant to the Master's allocatur, is that the party has not an opportunity of defending himself against the claim made upon him to pay costs, because the costs are awarded in a cause in which he has had judgment against him, or upon a rule which has been made absolute or discharged with costs against him; so that before he has become liable to costs, for the nonpayment of which the attachment ultimately issues, and imprisonment is effected, he has had an opportunity of showing cause, of showing why costs should not be awarded against him; and even where the party has shown an insufficient cause for not paying the costs, and he has had judgment against him for the rule made absolute, he goes before the Master on taxation, for that is never an *ex parte* proceeding except where the party contumaciously refuses to appear or fail to appear; so that having first been adjudged by the Court to pay the costs, upon the amount being adjudged by cause shown before the Master, then and then only the writ of attachment issues for contempt in not paying these costs. Whatever, therefore, be the form of these writs, whether they be considered as warrants authorizing the imprisonment of the party, and so raising the question, whether there are sufficient upon the face of them, enough appears; because in this Court the writ expressly alleges that it is for his contempt; in the Court of Common Pleas, it is to answer the matters that shall be objected against him. Still the cause appears in the form of the warrant: and a warrant under which a party is to be imprisoned for contempt never issues till after the opportunity of showing cause. In many instances once or twice or thrice has passed, and the party has shown sufficient excuse, or failed to avail himself of the opportunity which he had, and then is adjudged guilty of contempt, and upon that adjudication only the writ of attachment issues. So that your Lordship sees, whether it is against an officer of the Court, or whether it is against a private individual, no one can be imprisoned under a process of attachment from one of the superior courts of Westminster Hall, without having an opportunity of showing cause against it, or resisting the warrant that is to be issued against him; and it is only upon a contempt, found and adjudged, that the party can be arrested.

Then again, my Lords, when we look at the form of the instrument, it is not at all like the warrant in question. It is not a warrant authorizing the imprisonment of the party, or ordering the party to be brought to the bar of the court, or to be thrown into gaol, without any cause except the mere mandate of the court issuing the warrant; but in every case of the only instance of looseness to be found throughout the whole range of our law, I mean the process of attachment of the Court of Common Pleas, the cause is distinctly stated: it is, to be brought before the Court to answer the matters objected. And what is the meaning of those words?—Does it show an absolute power of imprisonment? On the contrary, when we look at what the meaning of those words to be found in the writ issuing out of the Court of Common Pleas, is, it rather shows a matter in favour of the subject and in favour of liberty than otherwise; because, even where the party has had an opportunity of showing cause against the writ of attachment, and having failed to show any sufficient cause, he is found guilty of contempt, and the writ of attachment issues, and he is imprisoned under it; even there the opportunity of defending himself or of purging himself has not ceased, for the practice is in all courts, where a party is imprisoned under a writ of attachment, that interrogatories may be exhibited, under which he may show cause why that writ of attachment, after he is imprisoned, should be discharged and set aside, and he be restored to his liberty. If the party can show no good cause he is imprisoned during the pleasure of the court, and that means till he has made reparation; till he has done the thing which he has been ordered to do; or, if it is not possible to make reparation in specie, till he has made what reparation he can by lying in prison under the orders of the court. Interrogatories are exhibited against him; and hence, probably, that term has introduced itself into the attachments

ments of the Court of Common Pleas, that the party is to be arrested and brought into court, "to answer to such matters as shall be objected against him."

My Lords, it is therefore clear, looking to the peculiar form of the attachment issuing out of the Court of Common Pleas, that it is no more authority for the validity of a warrant to imprison any one in this country without any cause assigned at all, because upon this very ancient writ cause is assigned, cause is distinctly assigned; cause having reference to the rule and practice of the courts of Westminster Hall, which your Lordships will find judicially taken notice of; whereas in the case in question no cause is assigned, and there is no reference to any usage, or any practice, or any law, of which your Lordships can take judicial notice. And, on the other hand, this writ, or anything relating to it, is no authority at all to show that the House of Commons, or any superior court of authority, which the House of Commons is, a court of the highest degree, may arrest and imprison upon a charge merely; because when this very writ issues we find that it is not upon a charge of contempt, but it is after a party has been adjudged and found guilty. So that your Lordship will see, looking at this only instrument to which my learned friend has referred as having any bearing or importance, as establishing the validity of this warrant for imprisoning without cause, your Lordship will see the obvious distinction referred to, and the well-known law and practice in that writ; but no reference to any usage, to any practice, to any law, is to be found in the warrant in question.

Lord *Denman*.—Without putting you out of your course, perhaps this is not the time for you to deal with what I am mentioning, but otherwise we should wish to know what effect you give to the words of the averment, that all is done in conformity with the ancient usage and practice of the House of Commons?

Mr. *Kelly*.—If your Lordship desires that I should——

Lord *Denman*.—At your convenience.

Mr. *Kelly*.—I am obliged to your Lordship; I shall not omit it. I will address myself to that part of the plea. What is the effect of the averment, supposing the defendant is at liberty to resort to it? At present I am only upon the validity of the warrant itself; I shall not forget that part of the argument. Before I quit this form of warrant, which is a writ of attachment issuing out of the Court of Common Pleas, your Lordship will observe that it is "to answer to us concerning those things which, on our behalf, shall then and there be objected against him." Now your Lordship's taking judicial notice of the grounds of attachment issuing from the superior courts of Westminster Hall, of which the Common Pleas is one, will put the only construction upon that attachment that can legally be put upon it; and inasmuch as the Court of Common Pleas has no criminal jurisdiction, the ground can only be contempt; therefore it is the same in substance precisely as if this writ were, "You shall arrest the sheriff by his body, and bring him before the Court to answer to such matters, being contempt, as we shall allege against him;" and though *primâ facie* that would seem to show that it was an arrest in mesne process for contempt, yet again, the practice, which is part of the law of which your Lordships will take judicial notice, is, that this writ of attachment never does issue till the party is adjudged and found guilty of contempt. So that there is a judgment of contempt against him. The object of answering to things alleged against him is, that he may purge away the contempt, or explain it away, or may have interrogatories exhibited.

Now, my Lords, upon the validity of the warrant I certainly must take the liberty of expressing my surprise that upon one part, I hope I am speaking humbly, I say not an immaterial or very unimportant part of the argument I am addressing to your Lordships, my learned friend the Solicitor-general has not done me the honour of making a single observation. I urged before your Lordships, as one of the tests by which to try the validity of this warrant, the strong, and I hope it will be deemed unanswerable ground, upon which this warrant will be held void, that if the party imprisoned under it were brought by habeas corpus before this Court or any other court to be discharged, or to be remanded, as being lawfully imprisoned, it affords your Lordships no means whatever of determining whether that imprisonment be lawful or not, and that the effect of holding this warrant to be valid, in so far as regards all questions of personal liberty between the House of Commons and the people of this country, would be to hold that the House of Commons may deprive the subject of all benefit of the Habeas Corpus Act, and of all benefit of the common law right of habeas corpus. My Lords, not a single observation has been made upon that argument, and it is for that reason that I do pray your Lordships' attention to Sir Edward Coke's 2d Institutes, a very strong and important passage as affects the liberties of the subject, in which he says, "that all matters in respect of which the subject is deprived of his liberty should appear upon the instrument upon which he is apprehended, because otherwise the court cannot determine whether his arrest is lawful or not, and so he may be imprisoned for ever;" and when your Lordships bear in mind what may be, and I do not put it as a mere speculative matter, I had almost said what in one of the cases connected with this had been the practical consequence, a warrant of this kind may be issued, and before the party can be apprehended the House of Commons may have adjourned for three months, or six months, and the consequence may be that a party under such a warrant as this must be imprisoned for an indefinite period of time, till a prorogation or a dissolution; and if he brings himself by habeas corpus before this Court, it is impossible that this Court can tell whether he is lawfully imprisoned or not, because no cause is assigned.

And, my Lords, here we come to an important distinction between the loose writ issuing out of the Court of Common Pleas and the warrants of magistrates in the 14th century and the warrant in question. If this warrant had been a warrant to bring the party before the House of Commons, there "to answer to such matters as shall be alleged against him,"

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

which is the worst form, the form most against liberty to be found in any one instrument known to the law; if it had been in that form, at least the party who was to be imprisoned would know why he was to be imprisoned; he would know the proper term of his imprisonment; he would know how to prepare himself to make his defence; he would know that he was to be brought to the bar of The House, there to answer to matters alleged against him; and, moreover, if he brought himself by habeas corpus into the Court, and your Lordships were called upon either to set him at liberty or to remand him to custody upon the ground that the imprisonment was lawful, your Lordships would have the question simply and plainly raised before you, "Has the House of Commons authority to apprehend a party, not upon conviction of a charge, but merely upon a general charge, to answer generally to such matters as shall be alleged against him?" and your Lordships would be bound to decide that question. You would have the means of deciding it; you would have the power of deciding whether by law the power exists in the House of Commons; if it does exist, the party would be remanded to his original custody; if it does not, he would be set at liberty, as he ought to be. And I again ask, as connected with one of the most important rights of British subjects, and I entreat your Lordships to consider it, if any individual were to be imprisoned by the House of Commons under such a warrant as this, were to endeavour to obtain the benefit of the habeas corpus, which is one of the most powerful and sacred shields of protection afforded by law to the subject; for personal liberty to him is a dead letter; because, upon bringing before your Lordship such a warrant as this, the man being brought in custody, the House of Commons having adjourned, so that no application could be made to The House by petition or otherwise by that person, no direction having been given by The House to the officer as to what he is to do with him; and it may be weeks or months before The House may meet again, and before he can appeal to the mercy of The House and say, "I am imprisoned under a warrant; what have I done? What am I called upon to do? Why am I kept from my family and my business, to the ruin of my character and my peace, till the House of Commons shall assemble again to submit myself to their mercy?" What answer could your Lordships make?" You must deny to the subject all right of appeal to you for protection under a writ of habeas corpus, because on looking to the warrant you find that the House of Commons has resolved that the party is to be brought before them in custody, and that he is ordered to be imprisoned; you find that he is imprisoned, and when you are called upon to consider the question of the legality of his imprisonment, there is nothing upon the face of the warrant to inform the Court why he is imprisoned, so as to enable them to come to any conclusion upon the subject.

My Lords, I have felt it my duty to offer, and I shall address, some further observations to your Lordships, in denial of the right of the House of Commons to imprison in order to bring a party before it, whether to answer to a charge or to compel him to be examined; but supposing for a moment that such a power exists, it is not stated upon this warrant whether it is to be examined or to answer to any charge; nothing is stated upon the warrant; it is therefore a mere bare order to imprison, without cause assigned. If this warrant be valid, not only must it follow that it is valid because the House of Commons have a general power of imprisonment, but also the party is entirely deprived of all benefit of relief by habeas corpus.

My Lords, let us look for a moment again to the state of the party who is imprisoned under these circumstances. He proves that there are some things for which the House of Commons may lawfully imprison a party. If the warrant had stated that he had been adjudged guilty of contempt, no doubt the warrant would have been good, and his imprisonment lawful; but he knows also that there are a great variety of matters for which persons have been imprisoned by the House of Commons, for which the House of Commons has no power whatever to imprison. It may be a warrant to apprehend him till he shall have paid a fine, or to answer to a charge of felony, in which the House of Commons has no jurisdiction. If that appeared upon the face of the warrant, your Lordships would at once adjudge that they had no jurisdiction, and discharge the party from imprisonment. But here neither the party himself, nor the court called upon to adjudicate, can enter into an adjudication of the question; and I submit therefore to your Lordships, that a general order to imprison a party, unless the House of Commons has the power to imprison for all purposes whatsoever, is an imprisonment which cannot be sustained.

Now, my Lords, in adverting to the question again of the validity of this warrant, my learned friend, the Solicitor-general, has alleged that it was the ancient practice of the House of Commons to arrest without warrant at all; to send the mace and to bring a party as a prisoner before it; and he asks how, suppose that had been done in the present case, the matter would then have stood; and he might have gone on and asked how it would have stood upon a return for false imprisonment, or how it would have stood upon habeas corpus. I apprehend, my Lord, that that would form substantially no matter of defence in the case. If the House of Commons has the power to arrest by mere personal order, it must be a personal order founded upon and comprehending expressly within itself good cause; that is, if it were a personal order to the Serjeant-at-Arms to go and arrest a party, that officer, before he can lawfully arrest, or before he can lawfully justify himself, whether it be by writing or by word of mouth, must be provided with a statement of the cause for which he arrests. And let us see whether that is not essentially necessary. He proceeds; he proceeds to the plaintiff's house; he finds the plaintiff perhaps in his bed at night; he produces his warrant; the plaintiff, when he is about to be taken into custody, asks for the warrant; he looks at the warrant, if it be valid; if it show a good cause on the face of it, it is his duty to submit; if it shows no good cause, or no cause at all, he has, by the law of the land, a clear right to resist.

Is the case different, supposing it to be a verbal authority? Suppose the Serjeant-at-Arms had proceeded to the house of the plaintiff, and had said, "I come to arrest and take you into custody," does my learned friend in this Court deny that the plaintiff would have had a right to say, "For what cause?" I take it to be perfectly clear, that every party who is sought to be imprisoned by another man, whether the authority be given by word of mouth or whether it exist in the form of a written warrant, has a right to know the cause for which he is to be imprisoned; and in the case of a verbal authority, the cause would be stated by word of mouth, just as in the case before the Court, it is stated in the warrant in writing; and then if the statement by word of mouth had been the same as that given in this warrant in writing, upon an action for false imprisonment, the cause would have appeared in substantially the same form before your Lordships, and you would then have had to determine whether, if the Serjeant-at Arms had said, "The House of Commons has resolved that you be sent for in custody, and I come to apprehend you and take you into custody," that would have justified the imprisonment; just as your Lordships are now called upon to determine the question, not upon a direction given by word of mouth, but upon a warrant in writing. It can make no difference whatever. If this right of imprisonment exist, whether the matter is in writing or by word of mouth, the consequence would follow, that the officer of the House of Commons would have the right to arrest any subject of the realm, without declaring why he arrests him; so that any man may be taken out of bed at midnight, if the Serjeant-at-Arms says, "I come to arrest you by order of the House of Commons;" and the party is not at liberty to demand, or he may demand in vain, if he wish to ascertain whether he may resist or not; he is bound to yield.

My Lord, I take it to be the clear common law right of every subject of this realm, before he be imprisoned by any human being for a single moment, to ascertain from the person about to imprison him why he is about to imprison him. If it be not so, any man must in the dead of night, or at any other time, upon trust, give up his liberty to any man who chooses to come and say, "I imprison you by order of the House of Commons." I apprehend it is the right of any man who is about to be imprisoned to inquire, "By what authority do you imprison me?" And this, my Lord, is another test by which to try it. It is the authority to imprison, which the party declares at the time when he exercises the power to do so, that determines the right of the party sought to be imprisoned to resist or not. And see to what an important extent that consequence must prevail. If it be carried out to its fair and legitimate extent, it is this: if a man comes to arrest me at night in my own house, and I ask him for the cause, if he state the cause, or refuses to state it at all, if I resist him, it depends upon whether it is a good cause or not, if in that resistance I kill him, whether I am guilty of murder or not; and therefore how can it be doubted by any man, that before any subject of this country is to yield up his personal liberty at the demand of another, he has a right to know why he is to yield up his liberty, in order to determine whether he may resist or not.

I take it, therefore, my Lords, that some propositions are too clear to admit of doubt. One of those propositions is this: that before any man in this realm can be imprisoned, he has a right to ask by what authority that imprisonment is about to take place; that if it is stated to him to be by lawful authority, he is bound to yield; but if it be not by lawful authority, he has a right to resist, even to death; and it is no murder, in resisting, if he kill his opponent. And if the cause be stated, it follows, from the consequences to which I have last called your Lordship's attention, that that is the cause upon which the party relies; and upon the validity and sufficiency of that cause depends the right to imprison.

That the cause should be stated is important in every view. It is important that the cause should be stated, in order that the party may know whether he may resist or not; in order that he may not, by resisting, be guilty of the highest crime known to the law, namely, the crime of murder. But it is important in another point of view; for his own guidance, whether he may resist the arrest, that he may know the cause. The cause is stated at the time; it is important that that cause should be stated first of all, in order to convey to his mind the real ground and reason of his arrest, and next, in order that the party arresting may stand or fall upon that as his justification for the act which he is about to do; because if it be otherwise, if the party arresting refuse to state any cause, the man may be imprisoned or he may resist, and that resistance may tend to a breach of the peace; murder may be committed, and the party has no means of knowing whether the imprisonment is lawful or unlawful; but if the cause is stated, it is clear that that must be a sufficient cause upon the face of it for the purpose of guiding the party himself who is arrested. But it is also important that the cause should be stated, inasmuch as it is the cause by which the party is to stand or fall; otherwise he might state a cause which was insufficient in itself, which might justify resistance, and the resistance might lead to murder; and if he could fall back upon another cause, if he could say, "True it is I had that warrant, but I had something besides that warrant, and therefore my act was justified," the man might be found guilty of murder by something of which he had no notice being brought against him, instead of that upon which he acted, and upon which, as far as it went, he had a clear right by law to act. So that I submit to your Lordships that this warrant is bad, because it shows no cause at all for the arrest, and likewise that the party must be bound by that warrant, because it was upon that warrant that the right to arrest depended; and my learned friend cannot aid his argument by urging upon your Lordships that this arrest took place by word of mouth; for, whether it was by word of mouth, whether it was by verbal authority or by an authority in the form of a written warrant, still that authority must be a sufficient authority upon the face of it to call upon the party about to be arrested to yield obedience to the law. And, my Lords, I must say, with regard to this custom of arresting by authority given by

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

word of mouth, this, like all the other practices which my learned friend has cited, and all the proceedings of the House of Commons, are limited to that part which is a blot upon our history, limited to the worst times, that part of the seventeenth century, when every species of encroachment was practised.

Mr. *Solicitor-general*.—I beg your pardon; it was all prior to 1671.

Mr. *Kelly*.—I say it was in the seventeenth century, in the reigns of James and Charles; I say it was at the time when the House of Commons exercised tyranny over the realm, from the Crown down to the meanest subject. But even if it was a verbal authority, it must have been a verbal authority upon some cause; and if that cause had been stated by the party arresting by word of mouth, still it would raise the question, "Is that a sufficient cause?" for if not, the party sought to be arrested would be warranted in resisting. If it be a sufficient cause, there would be a legal authority, and that authority, upon appeal to this Court, would be upheld in this present action.

Much, my Lords, has been said by my learned friend respecting the high character of the high Court of the House of Commons; he seems, I will not say alarmed, but he seems deeply solicitous that nothing shall be said or done in derogation of the authority or dignity of the House of Commons. I must say again I do not know why my learned friend should suppose that there is any wish on my part, or that there has been anything in the whole argument which I have urged, tending to derogate from the dignity of the House of Commons, of which assembly, thanks, indeed, on one occasion, to the exertions of my learned friend, I have been a member longer than he has. I say nothing against the dignity of the House of Commons; I put both its dignities and its process upon the footing of the highest Court in the realm; I do not know that I can do more. If their power is to be carried further, their power of imprisonment, their power of immunity in respect of processes, than the power of the highest court of the realm except itself, it must be upon some ground or authority which at least my learned friend has not brought under the consideration of the Court. But, my Lord, I will content myself merely with putting it as I have put it. I admit that your Lordships are to deal with the acts and processes of the House of Commons just as you would deal with the acts and processes of any of the highest courts in the realm; but let us see what the effect of that is.

My Lords, I take this Court as the first instance. If under the process of this Court, process issuing by the express command of your Lordships sitting there, one of the subjects of the realm be imprisoned, has he not a clear right to bring an action of trespass for false imprisonment? May he not bring it in the Court of Common Pleas, or the Court of Exchequer; and will not that give to the Court of Common Pleas or Exchequer the right of determining whether the imprisonment was lawful; and will not the legality of that imprisonment depend upon the validity of the warrant, the writ or instrument, whatever it may be, upon which the party was imprisoned.

My Lords, I ask nothing for this Court which I will not concede to the House of Commons; but I say again, as one of the people of this country, I will give nothing, I will yield nothing to the House of Commons which I will not give and yield to this Court with regard to the execution of its process, with regard to the power and right to imprison a subject. Dangerous indeed it would be if the power were given. If I were to choose, I must say that the liberties of the subject would be safer under the keeping of your Lordships or any court of law, because the House of Commons, with all respect be it said, is an ever-changing body, a numerous body, where there is no legal responsibility, and where even that moral responsibility to which we all ought to be subject is divided among so many, and it is so uncertain upon whom blame or censure may fall, that at least there is not that security for the validity, the strictness, and the justice of their proceedings which we all feel we have with respect to the superior courts of Westminster Hall. But, my Lords, I put them on the same footing. If this Court had arrested a party by their tipstaff, or by any officer at all, high or low, of this Court, and he brings his action in the Court of Common Pleas, must not the officer plead to that action, and must he not set forth the writ or warrant under which the party was arrested? Now, I will put a case as near the present case as I can; I will suppose that it were not a case of arrest for debt, or any other case coming within the well-known process of law, but that this Court for some contempt, or if you please, upon a charge of contempt, if there be any such power, had issued a warrant for the apprehension of a party; the party brings his action in the Court of Common Pleas (and, in the first place, I here refer to the concluding part of the argument of my learned friend. He says, he has nothing to do but to say this was done by the Order of the House of Commons. If that be so, it would be equally true of murder; but your Lordships hold it untrue, and contrary to the law of England in the case of libel; and I think I need hardly remark, that if an Order of the House of Commons will not enable one man to publish a libel upon another, I may equally say that an Order of the House of Commons will not enable a party to imprison another, and it is not an Order of the House of Commons that will make an illegal act legal);—if a man is arrested on a charge of contempt in this Court, and he brings his action in the Court of Common Pleas, I apprehend nothing can be clearer than that the officer who arrested must plead the warrant upon which he rests his justification, and the Court of Common Pleas must adjudicate upon that, and will give judgment for the plaintiff or defendant, according to the validity of the warrant, which warrant must therefore be set forth.

Now, my Lords, let us see if that be so with regard to the present warrant. If this Court had committed a party to be imprisoned under a warrant in the form of the present warrant, or under a warrant in any form whatever, on which it did not sufficiently appear that there was cause for the arrest, and that that cause was a contempt, or some other matter

matter over which this Court had jurisdiction, I apprehend that if upon such an action being brought in the Court of Common Pleas, that Court had found that though the arrest had taken place under a warrant issued out of this Court it did not appear upon the face of the warrant that it was for contempt, or some other matter which authorized the imprisonment, no respect for this Court would prevent the Court of Common Pleas from giving judgment in favour of the plaintiff; and, my Lords, I venture to submit to your Lordships that there is no distinction at all for this purpose between a warrant emanating from this Court, from the House of Lords, from the highest court of the realm, or from the Sovereign, or from any ordinary justice of the peace; it is absolutely necessary and essential before a subject can be imprisoned, that matter to justify the imprisonment should appear upon the face of the warrant.

And, my Lord, I am happy to say that since I last addressed your Lordships a decision has been given in a case, certainly as like the present as any case can be, where an act of a superior court, made a superior court by Act of Parliament, was questioned. I mean the case of Mr. Van Sandan, which has been lately under consideration by the Lord Chancellor. Your Lordships may possibly be aware that there is a case now before the Court, upon which I do not anticipate any argument; it will be sufficient to say that when the case came before the Court it appeared that certain proceedings had taken place in the Court of Review. That gentleman was, he will pardon me for saying, ill-advised enough to publish some letters or papers reflecting upon that Court; it was deemed a libel upon and a contempt of the Court, and accordingly a warrant for his commitment for contempt issued, and he was imprisoned under that warrant of commitment. He denied the validity of the warrant, and contended that his arrest was illegal. He brought his action for trespass and false imprisonment: the Court of Review thought proper to issue an injunction against proceeding with that action, or against raising some point which it deemed offensive to itself in the pleadings, or in the argument upon that action, and this injunction accordingly issued. Upon an appeal to the Lord Chancellor, upon which his Lordship gave his judgment since I had the honour of addressing your Lordships in the present case, the Lord Chancellor dissolved the injunction, and directed that the party should be allowed to proceed with his action, and so call in question the validity of the warrant under which he had been arrested; and in the course of the judgment, to some parts of which I will call your Lordship's attention, the whole doctrine, as applicable to the case now before the Court, whether it relate to imprisonment for contempt or anything else by the House of Commons, or any other superior court, was expressed in very few concise but impressive words by the noble and learned Lord who delivered the judgment.

My Lords, it had been contended that it manifestly appeared that the complainant had been committed for a contempt. Now, the Court of Review is by Act of Parliament made a superior Court of Record, it was therefore exactly the case of any superior Court of Record, whether that Court, or this Court, or the House of Commons, or the House of Lords, issuing process of imprisonment by virtue of its own inherent power as a superior Court of Record, and your Lordship will find that the law was distinctly laid down, that any such warrant or authority, issuing from what court it may, must state, upon the face of it, sufficient cause for the imprisonment. My Lords, in the course of the judgment of Lord Lyndhurst, he observes, "For the part which Messrs. Turner & Stevenson took in this transaction, Mr. Van Sandan commenced an action against them in the Court of Queen's Bench. He filed his declaration: they pleaded, in justification, the order of the Court of Review and the warrant, both of which were set out at length in the plea. To this plea Mr. Van Sandan demurred. The case now stands for argument in the Court of Queen's Bench. An application was made to the Court of Review to restrain Mr. Van Sandan from proceeding in this action. The Court of Review made a qualified order upon that application; they restrained him from proceeding, except for the purpose of raising certain questions. The Court of Review gave him permission, upon the argument, to object to the proceeding on three distinct grounds, but restrained him and his counsel and agents from raising any other questions upon that demurrer, except those which were pointed out to the Court." Then, after some other observations, his Lordship observes: "Now, adverting to the Act of Parliament, I think the 5th and 6th of William the Fourth, the Court is declared to be a court of record, with all the powers and authorities of the superior courts of Westminster Hall." No power can be exercised by any superior court, with regard to the imprisonment of a subject, that cannot be exercised, in this case of contempt, by the Court of Review.

Then his Lordship further observes: "The next question, therefore, will be the form of the order." Now this was the order under which Mr. Van Sandan was supposed to have been found guilty of a contempt, and was accordingly committed and imprisoned. It is said that the order is vicious; that there is no adjudication of any contempt having been committed; and they say, on that ground the order is defective, and cannot be sustained. The order is, in substance, in these terms: it recites the petition, and the libel which is annexed to the petition in the form of schedule; and then it goes on in these words: "Now after" So-and-so, "for his contempt in publishing the libel in the schedule to the said petition mentioned, this Court doth order him to be committed to the custody of the warden of the Queen's Bench Prison until further order." The question was, whether the custody sufficiently appeared to give validity to the order of that warrant, and so to justify the imprisonment.

Now Lord Lyndhurst, in dealing with this case, alludes to a case decided in this Court, which your Lordships probably have in your recollection, the case of Green *v.* Elgie. His Lordship observes, "That was an order made by the Court of Review, committing Green

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

for a contempt. Green brought an action against Elgie for the part he had acted in the transaction; the order was set out as a justification. The Court of Queen's Bench were of opinion it was no justification that the order was defective, that it contained no adjudication. The order referred to a petition; the petition, it stated, prayed that the party might be committed for the contempt mentioned in the petition. The Court heard affidavits, read and heard the arguments of counsel; and the Court, taking the matter into consideration, ordered, in the same terms as the present, that for his contempt in the said petition mentioned, it doth direct him to be committed to the custody of the warden of the Fleet. The Court was of opinion that there was no distinct and general adjudication of contempt having been committed; it assumed a contempt to have been committed, and, acting upon that assumption, ordered the party to be committed. The plaintiff obtained a verdict, under the direction of the Court. When the question came before the Court afterwards, the Court were of opinion that the justification was insufficient; that the warrant was bad, because it was bad in itself, being founded upon a defective order."

Now I will pause for a moment here with reference to the case of Green *v.* Elgie. My learned friend has contended, that if a superior court like the House of Commons issue its warrant of commitment, and if it have authority to commit at all, but more particularly if it have authority to commit for a contempt, and there is anything to show that the commitment is for a contempt, that any court called upon to review that order will presume that all that was done was done properly, and was within the jurisdiction of the court that had done the act; that the court, in fact, will presume, that where another superior court having the power to commit has committed, it has committed according to and within its jurisdiction. But this case of Green *v.* Elgie very clearly shows the contrary. Here was a case in which this Court was called upon to determine in an action for false imprisonment as to the validity of the order of commitment issued by the Court of Review. The Court of Review, like this Court, was a superior court of record. There was no doubt that the Court had issued its warrant of commitment for something, and that under that warrant of commitment issued by the Court the party had been imprisoned; and it was contended there, as here, that your Lordships must give credence to, must presume the authority of this Court; and that as they have clearly the power of commitment, your Lordships must take for granted, not only that they have acted within their jurisdiction, but that this particular warrant contended to be invalid is a warrant issued according to the orders, and is in the proper form according to the practice of the Court; that you must presume that; that you must not sit in judgment upon their forms; that you must take for granted that this is within the practice of the Court. But what said this Court? They looked at the order itself. They knew that the Court of Review was a court of record; that it had power to commit for a contempt; but that there were some things for which it had no power to commit; that it had no power to commit unless the party were adjudged and found guilty of a contempt. And although there was much upon which the counsel for the defendant urged, and with apparently very great reason, much from which it might reasonably have been inferred that this was a commitment for a contempt of the Court of Review, the Court held, in this case of Green *v.* Elgie, that it did not sufficiently appear upon the order and the warrant that the Court had adjudged the party to be guilty of a contempt; that the contempt appeared only by way of recital; that it did not sufficiently appear that he had been guilty of a contempt, and that upon that ground the order was void. Now see what Lord Lyndhurst says with reference to that judgment, because it is a direct authority, directly bearing upon the question before your Lordships. He is speaking of attachments for contempt, which he ranges within the class of criminal cases. After observing that the Court had held that the warrant was bad because it was bad in itself, being founded upon a defective order, he says, "In all criminal cases it is necessary that there should be a charge; it is necessary that there should be a finding or a conviction upon that charge as the foundation for the sentence; and it is necessary that everything should be accurately and strictly done. If in any of these three points there is any substantial defect, that is a ground for setting aside and reversing the proceeding."

Now I pray your Lordships to remember that we are now upon a case in which the warrant is before your Lordships for imprisoning the party, in which one of the objections we make to it is, that the House of Commons has only a limited authority to imprison; that it has authority to imprison only upon a conviction for a contempt, or, for this purpose, I may assume upon a charge of contempt; there are many matters in respect of which it has no authority to commit at all. Here is a warrant generally to imprison, not saying either upon a charge of contempt or upon a conviction for a contempt, not setting forth the cause, and under this warrant the subject has been imprisoned.

Now suppose (and I know no difference in principle between the one case and the other), suppose that instead of an order by the Court of Review, a superior court having power to commit for contempt being under consideration, an Order of the House of Commons, another superior court, having the like power to commit for a contempt, for aught I know, for this purpose, had been under the consideration of Lord Lyndhurst, how could he have given any different judgment, or what word is there in this judgment which would not equally apply to this case? In all criminal cases it is necessary that there should be a charge, and a finding, and a conviction upon that charge as the foundation of a warrant. It is necessary that everything should be accurately and strictly done. If in any of those points there is any substantial defect, that is a ground for setting aside and reversing the decision. That case of Green *v.* Elgie was the case of a warrant by a superior court of record, under which the party had been arrested, and that came under the consideration of another superior court of record. This Court held, that though it was the act of another superior and co-ordinate

court

court of record, having the same jurisdiction as this Court to arrest in certain cases, the warrant must show the cause, and show a sufficient cause of arrest.

Mr. *Solicitor-general*.—I do not think my learned friend is stating that decision correctly. It was an application to set aside an injunction which had been issued by the Vice-Chancellor, the Chief Judge of the Court of Review, to prevent certain questions being raised in an action at law; and all that the Lord Chancellor decided was this, that he would not prevent the party taking the opinion of a court of law upon the validity of that order.

Mr. *Kelly*.—I stated that; and I was also stating to the Court, as part of the reasons why that ought not to be done, and why the Court should be left to determine upon the validity of this warrant, that if this warrant did not show sufficient cause of commitment, then the party was entitled to maintain his action and to recover damages. That is the reason I am stating this. I am stating it almost in the same terms that my learned friend has stated it. It is a clear and direct authority for this, that my Lord Chancellor refused or dissolved the injunction, in order that the question might be tried at law. What question? The question whether that warrant, under which the party had been apprehended and imprisoned, was a good and valid warrant upon the face of it; and his Lordship referred to the case of Green *v.* Elgie, where your Lordships held that the warrant of a superior Court like this, being the Court of Review, which was made a superior court of record by Act of Parliament, under which the party had been imprisoned, not showing sufficient cause upon the face of it, was void, and held the party entitled to the judgment of the Court, where the plea in justification of the imprisonment set up that warrant. I say that is precisely parallel with the present case; and there is no distinction between the present case and the case of Green *v.* Elgie, or the case under the consideration of my Lord Chancellor, where he laid down that every warrant must show upon the face of it sufficient cause. There is no other distinction between these cases than that the present case relates to the House of Commons, and those cases refer to a superior court of record called the Court of Review. The one is a superior court of record by common law, the other is a superior court of record by Act of Parliament. The one has no more power than the other to arrest and imprison the subject under a warrant not setting forth the cause, unless indeed there be something, which has not been shown upon any authority, different in the constitution of the House of Commons, which will enable the House of Commons to do, what it has never been held that any court in this realm can do, that is, to arrest and imprison the subject, not under writs and warrants in a form known to the law, but under any warrant, in any form, with or without cause, that they may think fit to issue. This is a direct authority of my Lord Lyndhurst, that if a court of common law be called upon to consider whether an arrest is lawful, and that arrest depends upon a warrant issuing from any superior court, let the court be as high as it may, the validity of the arrest and the right of the party to maintain an action, and the defence of the defendant to the action, depends upon the validity of the warrant, and that the warrant is bad if it do not set forth a sufficient cause to justify the imprisonment. It is necessary that there should be a charge and a finding. It is necessary that cause should be shown.

The case of Green *v.* Elgie, in this Court, is I believe not yet printed in a more regular report, but I find it is reported in the Jurist of March 9, 1844, p. 186. Here is my Lord Denman's judgment. His Lordship says, "If he did," that is, if one of the defendants occasioned the arrest, "another question is, whether the warrant set up by him as his justification is sufficient. We think that the warrant is bad; it refers to the order, but the order itself recites a contempt only, whereas it ought to find and adjudge it: and further, the contempt recited is mentioned in a petition, not in any document promulgated by authority of the Court."

I refer to that for this purpose: my learned friend has not shown that there is any distinction, and I beg respectfully to deny that there is any distinction between the warrant of the House of Commons and the warrant of any other court of record, whether it be this Court, or the Court of Review, or any other superior court. The warrant, to justify imprisonment, must set forth upon the face of it some cause that will justify the imprisonment; and if that be not done, the warrant is bad. It is not only the Court of Review, but it applies equally to any of the superior courts. Lord Lyndhurst expressly says here, in this very judgment, "The Court of Queen's Bench may commit a person for a contempt. If the order is vicious," he says, "an action may be brought in the Court of Common Pleas or the Exchequer, and the validity of the order may be tried and questioned; and if the other party is dissatisfied with the decision of the Court, he may go by appeal to the House of Lords." That is the case with the superior courts of Westminster Hall. Then here is a direct authority, that if a man be imprisoned under a warrant from a court of law, another superior court will consider the validity of that warrant, and hold that its validity depends upon the cause appearing upon the face of it; and according as the cause is sufficient or insufficient, it will entitle the party to his action of damages or false imprisonment.

There is another case which shows that the rule is the same even with respect to the proceedings of this high Court itself. Nor does the case rest even here. It is familiar to all your Lordships, that in the case of a warrant or order issued by the High Court of Chancery, the validity of it was questioned in the case of Christie *v.* Unwin, in the 11th Adolphus & Ellis, in this Court. I will not occupy your Lordships' time by going into the particulars of that case. It was an order made under the Statute of Bankruptcy, by no less high an authority than the Lord High Chancellor himself. It then came under the consideration of this Court. Did the Court upon that occasion say, Where this is the proceeding of a court as high as our own or higher, we cannot interfere with its orders; we cannot hold that upon any matter of form appearing upon the order we can set that order aside, or

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly.*

enter upon the question of its validity? On the contrary, this Court said, that where a question is raised upon the validity of the order, whether the order proceed from the highest court or the lowest court in the realm, this Court must try the validity of that order by the rules of the common law; and, therefore, I am utterly unable to conceive of any distinction, I know not what my learned friend can urge in the shape of distinction, between the case of the House of Commons and the case of any other superior court, in a case where, upon the process of the House of Commons, the subject has been imprisoned, because this Court must determine the question according to the rules of the common law. Has the warrant under which the subject has been imprisoned, shown a good and sufficient cause upon the face of it to justify the imprisonment? Your Lordships must look into and determine the question upon the face of this warrant, just as you would upon the face of a warrant of commitment for contempt from the Court of Common Pleas or the Court of Exchequer, or upon a warrant issued from the Court of Chancery, or upon any warrant of any warrant of any court, from whatever authority it emanates; if that warrant be brought upon the record before you, sitting here as Judges of the Queen's Bench, for your adjudication, you must determine the question upon the face of the warrant itself.

My Lords, my learned friend, with regard to one part of the argument as to the law, in which I had cited no less an authority than that of Sir Edward Coke, and a great variety of cases all tending to show that no warrant of any kind, under which a party is to be imprisoned, can be valid, unless it shows sufficient cause, my learned friend said, with that grace and dignity which sits so well upon him, that he would not condescend to argue the question, to put for a moment, even in argument, the rights of the House of Commons upon the footing of the rights or powers of a magistrate issuing a warrant upon a criminal charge. The only reason why I was obliged to refer to those warrants of magistrates upon criminal charges is this, that, looking at the writs, warrants, and other authorities issued from the superior courts, issuing from all the highest courts in the realm, I could find nothing like a pretence for saying that the offence must not actually be specified and pointed out before the party can be arrested under the warrant. But I did find that, in the seventeenth century, there were some precedents for warrants by magistrates, which were in a more general form, namely, to answer such matters as shall be objected against them. I put forward those cases as rather showing the utmost extreme to which the law had gone as to the absence of any specific statement of an offence. And my learned friend says, "I will not condescend to argue upon those cases." I wish my learned friend had pointed out upon what cases his condescension will allow him to argue; because I looked in vain among the warrants issued by magistrates, among the warrants issued by the inferior tribunals, and amongst the writs and warrants issued by the superior courts, to find anything approaching even to the vagueness to be found in those warrants to which I alluded, and which are mentioned by Lord Hale. Therefore, as my learned friend will not condescend to argue upon magistrates' warrants, carrying his doctrine as far as it ever has been carried under any legal authority, and as he has not pointed out any other description of warrants upon which he will argue, I know not what further argument upon this part of the case I have to deal with. But my learned friend has referred to a long list of cases which I had mentioned, and he has referred also to the language of the Judges, in pronouncing judgment in several of those cases; for instance, there is Lord Shaftesbury's case, Brass Crosby's case, Hobhouse's case, and particularly the case of The Queen *v.* Paty.

Now those cases were referred to by me for this purpose: We are here upon the validity of an Order of the House of Commons, and undoubtedly it is important to see what orders or warrants emanating from the House of Commons have ever been made the subject of judicial discussion, and what has been the determination and the doctrine laid down by the courts in respect of those instruments. And it was important also to refer to those cases, in order that we might collect from what was either stated or admitted, but still more from what was laid down by the Judges, what had been the custom, and so the law of Parliament, with respect to its power to imprison the subject. My learned friend has referred to those cases, and he has selected various passages, which will not be forgotten by your Lordships, from the judgments of several of the Judges, more especially from the case of The Queen *v.* Paty and Others, in 2d Lord Raymond; and those passages he selected to show that, in the apprehension of the Judges, they could not sit in judgment upon the orders or acts of the House of Commons.

Now, undoubtedly a great deal is to be found in the language of some of the Judges in that case appearing to favour the proposition for which my learned friend contends, that this Court cannot at all sit in judgment upon any proceedings of the House of Commons. And I cannot but lament to find, that at any period of our history, but particularly in the last century, many many years after the Revolution of 1688, the Judges of England should have been found to utter such doctrine, to lay down such doctrine, as is laid down in this case. For unquestionably it does appear to have been supposed by a great many of those Judges, that a party could not apply for his writ of habeas corpus at all; that it was enough if a person were imprisoned under the order of the House of Commons, and he appeared upon the habeas corpus, for the Court at once to determine that they had no power to interfere with his case, and that the party must be sent back again into his original custody. But I do find at the end of the case that they said, "Quod cognitio causæ captionis et detentionis prædicti Johannis Paty non pertinet ad curiam dictæ Dominæ Reginæ coram ipsa Regina," and so on.

But, my Lords, I answer all those observations by saying, that they are directly contrary to the law; they are contrary to the law that has been acted upon by this Court in cases of commitment by the House of Commons ever since; because in every case that has arisen,

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from Lord Shaftesbury's down to Mr. Hobhouse's, and the Sheriffs of Middlesex some two or three years ago, in every one of those cases what was the question? In every one of those cases the parties were brought before this Court upon habeas corpus, and demanded their liberty; and your Lordships, in order to find whether they were entitled to their liberty, did look into the warrant of commitment under which they had been imprisoned, and proceed to consider and to determine whether the cause appearing upon the warrant of commitment justified the imprisonment. It is true that your Lordship held, in every one of the cases, that it did, and why? Because in every one case, from Lord Shaftesbury's down to the case of the Sheriffs of Middlesex three years ago, the warrant of the House of Commons was produced, which stated, in what your Lordships deemed sufficient terms, that the party had been convicted by the House of Commons for a contempt.

But what becomes of the doctrine that your Lordships cannot inquire? What is the value of what fell from the majority of the Judges in the case of The Queen *v.* Paty, that the Court cannot inquire, that they have no jurisdiction; that whatever the House of Commons orders to be done, must be done? It is all bad law; it is all law that, if it were to be acted upon, would make slaves of the people of this country; and the successors at least of those Judges have done their duty better to the people, whose protection was entrusted to them by the constitution. Because in every case, whether it was in the shape of an action brought as to the validity of an act of the House of Commons, or whether it was a question as to acts done under their order appearing upon demurrer before the Court, or upon an application for a writ of habeas corpus, in every one of those cases the successors of those Judges entered into the matter upon the view of the commitment; they looked at the record, or they looked at the commitment produced upon the return to the habeas corpus under which the subject had been imprisoned; they looked to see what cause appeared upon that commitment; they heard arguments, and proceeded to determine upon the sufficiency of that cause; and because they held the cause to be sufficient, and sufficiently alleged, for that reason, and upon those grounds only, they held the warrant sufficient; they held the imprisonment lawful, and they remitted the parties to their original custody.

My Lords, all that I ask your Lordships to do upon the present occasion with respect to this warrant is, what you yourselves or your predecessors did in each and every one of those cases; that is, look to the warrant. If you find that it states a matter as the cause of the imprisonment over which The House have jurisdiction, and for which they have a right to imprison, then determine that the warrant is good, and no doubt the defendant is entitled to your judgment; but my learned friend asks your Lordships not to look at the form of the warrant at all, or, if you look at the form of the warrant, to see only that it proceeds from the House of Commons; that that must be sufficient, and that no further inquiry can take place. My Lords, in all those cases the Court entered into the sufficiency of the matter appearing upon the warrant; and the great distinction between all those cases and the present, and the ground upon which I urged them as authority, as strong and irresistible authority in favour of the plaintiff upon this occasion, is, that in all those cases the cause was expressly stated, and it was held by the Court to be sufficiently stated upon the warrant under which the party had been imprisoned; and I object to this warrant, because no cause is stated at all, and that is the distinction. Even in Lord Shaftesbury's case, and in the worst times, there was always a cause stated. Whether it was a sufficient cause, whether Lord Holt was right in deeming it so in the case of The Queen *v.* Paty, all that may be matter of question. But that is not the matter for consideration; in every one of those cases the cause was stated, and the judgment of the Court proceeded on the sufficiency of the cause; whereas here your Lordships cannot tell whether the cause is sufficient, because you find no cause at all stated.

My Lords, in the case of The Queen *v.* Paty, from which my learned friend extracted so largely, I find that my Lord Holt, whose opinions, though upon the great question he differed from the rest of the Judges, are undoubtedly entitled to the highest weight, I find expressed himself in this way, that the legality of the commitment depended upon the vote recited in the warrant. Your Lordships will remember that this was a warrant expressly founded upon a vote, which vote alleged the contempt, and stated what the contempt was. The great question that was argued, and upon which Lord Holt differed from his brethren, was, whether that which was stated as a contempt, and which appeared to be a contempt for which the party had been imprisoned, was a contempt which this Court would treat as a contempt. Now it may be, though I think it is not, the law—it may be the law that if the House of Commons state matters which they find to amount to a contempt, that though your Lordships would think it was no contempt at all, you are precluded from entering upon the question. It may be so; I apprehend it is not. Here certain matter is stated a contempt, and that the party had been found and adjudicated guilty of contempt, and that upon that contempt he had been committed; and, therefore, all that the Court held here was, that they were bound by the adjudication of the House of Commons; that the House of Commons having jurisdiction to determine whether a contempt had been committed or not, and having determined that a contempt had been committed, this Court had no power to sit as a Court of Error, and to hold that a party was not guilty of contempt whom the House of Commons had adjudicated was guilty. But what says Lord Holt? "That the legality of the commitment depended upon the vote recited in the warrant; and for his part he thought the prisoners ought to be discharged." He may have been wrong in thinking that they ought to be discharged; but what does he say? That the validity of the imprisonment depended upon the validity of the warrant; and so he goes into the warrant. He says, "What is the matter apparent upon the warrant?" He argues upon it, and comes

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

to a conclusion. That is what I ask your Lordships to do here. And when you look back at the warrant, to determine upon its validity, you find nothing. It is not a contempt committed; it is not a contempt charged; it is not matter stated which may or may not amount to a contempt. It is simply an order to imprison. So that your Lordships have no means to determine whether there was good cause for the imprisonment, there being no cause at all stated. The question is, whether a party may be apprehended without cause at all.

Lord Holt goes on to say, "For his part, he thought the prisoner ought to be discharged; though in this his opinion he was so unfortunate as to go contrary to the act of the House of Commons, and the opinion of all the rest of the Judges of England, whose assistance they had desired; and there had been a meeting for that purpose. He said this was not such an imprisonment as the freemen of England ought to be bound by; for that this, which was only doing a legal act, could not be made illegal by the vote of the House of Commons, for that neither House of Parliament, nor both Houses jointly, could dispose of the liberty or property of the subject; for to this purpose the Queen must join, and that it was in the necessity of their several concurrences to such Acts, that the great security of the liberty of the subject consisted. He said that the first matter which was laid as a breach of privilege was none; and to that purpose he cited Binyon's case, where in an assumpsit the defendant pleaded the Statute of Limitations, and the plaintiff replied that the defendant was a Parliament man, &c.; and the plea was overruled, because one might file an original against a Parliament man, and continue it down without breach of privilege."

Then his Lordship cites various other cases, and he goes on to say, "So one may commence an action against a Member of Parliament that is executor; and consequently the commencing an action against the constables of Aylesbury is no breach of privilege." And further on, his Lordship says, as to what was said that the House of Commons are Judges of their own privileges: "He said they were so when it comes before them. And as to the instances cited where the Judges have been cautious in giving any answer in Parliament in matters of privilege of Parliament, he said the reason of that was because the Members know probably their own privileges better than the Judges. But when a matter of privilege comes in question in Westminster Hall, the Judges must determine it, as they did in Binyon's case. Suppose these actions against the constables of Aylesbury had gone on, and the defendants had pleaded this privilege, we must have determined whether there were any such privilege or no. And we may as well determine it upon the habeas corpus; for the defendants are here in a proper course of law, and the matter appears to us upon record as well this way as if it were pleaded to an action. We must take notice of the *Lex Parliamenti*. My Lord Coke, in his 1st Institute, 11 b., enumerates the several laws that are within this realm, and the *Lex Parliamenti* is one of them; and the *Lex Parliamenti* is the law of the land. As to what my Lord Coke says in the same place, that the *Lex Parliamenti est a multis ignorata*; that is because they will not apply themselves to understand it." His Lordship then proceeds to deal with the case before him, and refers to Lord Shaftesbury's case and the case of Ashby *v.* White, and then finally he determines the question upon the cause stated in the commitment: "He said the cause of the prisoners' commitment being expressed in the warrant, excluded any intendment that they might be committed for any other cause than that expressed in the warrant."

This authority, therefore, upon which my learned friend himself mainly relied, only goes to this, that in that particular case sufficient matter appeared upon the return to the habeas corpus to justify in the opinion of the Court the imprisonment of the party. Upon that return appeared the commitment. That commitment set forth, not, like this commitment, being silent upon that and every other point, it set forth expressly a commitment for contempt. The majority of the Judges thought that the Court could not enter into the question of whether there was a contempt or not; but the House of Commons having found and adjudged the party guilty of a contempt, they held that the custody was lawful.

My Lords, I dismiss these cases with this observation in conclusion upon them; that in every one of them where the House of Commons sought to justify the imprisonment of the party by their warrant, the warrant was produced, in which some cause or other was set forth, and a cause which this Court held to be a sufficient adjudication and conviction for contempt by a warrant of the House of Commons, upon its well-known constitutional privilege of committing for contempt, and imprisoning the party named in it. So that if they are authorities for anything, they are authorities for this; that when the question comes before this Court upon a party being imprisoned under a warrant of the House of Commons, whether that imprisonment is lawful, the Court will look to the warrant of commitment to determine whether that imprisonment is lawful or not; and it is held lawful or unlawful according as the warrant of commitment sets forth upon the face of it good cause to justify the imprisonment or not. Applying, therefore, that doctrine to the present case, your Lordships will look at the warrant to see whether it sets forth good cause to justify this imprisonment. Looking at the warrant, it is not found to contain any cause at all; and this warrant must, therefore, be held bad.

My Lords, a point seems to have been made with regard to the form of the warrant, which does not appear very material, but I may as well advert to it a moment, before I leave this part of the case. It recites, "That the House of Commons had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the House of Commons," and required and authorized "the Serjeant-at-Arms then attending The House to take into custody the body of the plaintiff." Some question seems to have been hinted at, as to whether this is a simple mandate to the Serjeant-at-Arms to take into custody the body of the plaintiff, or whether it may be coupled with the recital, and is to be read as giving an authority to take into custody the body of the plaintiff, in order that he may be brought

brought in custody of the Serjeant-at-Arms. That I presume would mean brought to the bar of the House of Commons. My Lords, I apprehend that any warrant under which a party is to be imprisoned ought to be precisely and clearly worded, or at all events, if not, that it is to be read most in favour of liberty. My Lords, I take this to be an absolute warrant, merely to take into custody the body of the plaintiff, and I apprehend there is nothing at all in this warrant from which your Lordships in construing it will hold that it was an authority not merely to take into custody the body of the plaintiff, but to bring the body of the plaintiff to the bar of the House of Commons. I apprehend that it cannot be so construed. I do not think that it is material if it were, because it is still open to all the objections that I have urged; but I cannot give up one point in this case, and I contend that it is a general mandate to take the party into custody, with no direction where he is to be taken; for when it is said that it must mean that he is to be taken to the bar of the House of Commons, because it states that the House of Commons had ordered that he be taken into the custody of the Serjeant-at-Arms; in the first place, my Lords, in the mandate itself there is nothing at all about his being taken to the bar, there is nothing to show that he is to be taken to the bar of the House of Commons, or to be examined by a Committee of the House of Commons, or by The House itself; therefore I conceive that it would be adding to this command, introducing words into this command, and giving it a meaning which it would not bear, to say that it means that he was to be taken into custody in order to be brought to the bar, or before a Committee, or anything else over which The House has jurisdiction. I cannot see how your Lordships can introduce into a warrant anything but what is found in the warrant itself.

Mr. Justice *Wightman*.—I observe in Sir Francis Burdett's case there was an order that Sir Francis Burdett be for his offence committed to the Tower, and that Mr. Speaker do issue his warrant. There was then a warrant reciting the Order, and then an Order to the Serjeant-at-Arms to take into custody the body of Sir Francis Burdett; but it did not stop there, it went on to say, "and then forthwith deliver him over into the custody of the Lieutenant of the Tower."

Mr. *Kelly*.—Exactly, my Lord; I was about to refer your Lordships to one or two of those warrants which have been issued.

Mr. Justice *Patteson*.—It might be insufficient, if they did not allege it; but here they make an order to take the plaintiff into custody, and they say that he was to be brought before the House of Commons.

Mr. *Kelly*.—Yes, my Lord, that is the order; but in all these cases the mandate or warrant is itself specific in directing what shall be done with the party arrested; therefore I do not conceive that any advantage can be derived from the recital here; but the recital still leaves it totally uncertain, even if it could aid the mandate itself, as to what is to be done with the body of the plaintiff. In the case to which your Lordship is alluding, if the warrant had stopped at the point where it is contended that it might have stopped, aided by the recital, in which the order was to take him to the Tower of London, I should have said that you could not thus aid the warrant; but here there is no information given; it leaves it in total uncertainty whether the plaintiff is to be taken to the Tower of London or to Newgate, or whether he is to be brought to the bar of the House of Commons, or before any one of the 20, 30, or 50 Committees which may be sitting.

Mr. Justice *Williams*.—That depends upon whether the recital or allegation may be taken; because if the recital may be taken there is a distinct allusion, and it would appear that it may be, upon the authority of the cases cited.

Mr. *Kelly*.—I have not yet attended to the recitals, because, no doubt, if the recital may be brought in aid ——

Mr. Justice *Williams*.—I mean the recital in the warrant.

Mr. *Kelly*.—I am now confining myself to the four corners of this instrument; I do not see that that recital points out at all what place ——

Mr. Justice *Williams*.—It recited the Order of The House.

Mr. *Kelly*.—"An Order that the plaintiff should be sent for in the custody of the Serjeant-at-Arms." Sent for where? I say that he might be sent for in order to appear at the bar of the House of Commons, or before any Committee of the House of Commons.

Mr. Justice *Williams*.—The Order was, that he should be sent for to answer before the House of Commons, in the custody of the Serjeant-at-Arms.

Mr. *Kelly*.—But, my Lord, there is nothing about that in the warrant.

Mr. Justice *Williams*.—But it recites the said Order.

Mr. *Kelly*.—No, my Lord. It is of the last importance, with reference to the validity of this warrant, which I take to be the great question in this cause, that your Lordships should have clearly and accurately before your minds what this warrant contains, and all that it contains. As it appears upon the pleadings, it contains no reference to any Order of the House of Commons which would convey any information to the party about to be imprisoned where he was to be taken to, or for what purpose. The warrant, as set forth in all the pleas, is simply in the form of a recital that the House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, and that the said House did require and authorize the Serjeant-at-Arms, then attending the House of Commons, to take into custody the body of the plaintiff; therefore, all that appears is not what the purpose was, or even where he was to be taken, but merely that he was to be sent for; and if an Election Committee, or any other Committee had reported that he had been summoned, and had failed to appear, and the Speaker, upon that, had issued his warrant to him to come forward and give his evidence, it would have answered the recital, and would be in the form in which it now appears. It says that he was

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly.*

sent for, but it leaves us uncertain whether he was to be sent for to appear at the Bar, or before, say, one of the 20 or 30 of the Committees of The House, or where else.

But though I have felt it necessary to notice this, I do not feel it all requisite that your Lordships should be troubled with any criticism upon this part of the warrant, because, let me assume the case most strongly against the plaintiff (though that would be most strongly against liberty, which I protest against), and what would it amount to? The House of Commons has ordered that the plaintiff be sent for in the custody of the Serjeant-at-Arms, and ordered the Serjeant-at-Arms to take into custody the body of the plaintiff, in order that he may be brought to wherever he has been sent for. I suppose that the order were so. Suppose it had said, "To be brought in custody to the House of Commons," still it is open to the objection which I have urged to this warrant, and which I apprehend to be fatal to it, viz. that it is an order to apprehend and to take into custody, to take into prison a subject of this realm, and bring him to the Bar of the House of Commons, without stating for what. Aid it to the utmost possible extent, introduce all the words which, by the utmost latitude of inference, can be collected from the recital as well as the mandatory part of the warrant, and the most you can make of it is, "Apprehend and bring him in custody to the Bar of the House of Commons," without stating why he is to be brought there; without stating whether he is to be examined (which would have raised the question whether they might bring him to the Bar to be examined), or without stating whether he is to answer to any charge (which would have raised the question whether they could imprison him in order to make him answer to a charge), or without stating whether it was that which they had the power to do, a warrant issued for contempt adjudged against him. Whether it be one or the other your Lordships are not informed; it is a simple mandate to arrest the plaintiff; and with the aid which I will assume, for the purpose of the argument, to be given to the warrant, it is merely a warrant to apprehend and arrest, and bring the plaintiff in person to the Bar of the House of Commons, without any cause assigned, without any object, without any reason.

Now, my Lords, my learned friend has referred to a great number of passages in the judgments of the Judges of this Court in the cases of Burdett *v.* Abbot and of Stockdale *v.* Hansard. My Lords, I am far from disputing the doctrine laid down by any of those learned Judges on either of these occasions, or any one sentence or word which has fallen from them upon those important points. But, my Lord, I do venture to say that all they have said must be taken with reference to the particular question then before them, and with respect to which they were then delivering their judgment; but if what they have said with reference to a warrant, stating upon the face of it that the party had been convicted of contempt, and committing him to prison for that contempt, be applied to a warrant which says not one word about contempt or any other offence, or about conviction, or any matter, civil or criminal, your Lordships will be in great danger of misapplying the law, and erring in your construction of the warrants.

My Lords, taking what has fallen from this learned Judge as applied to the subject then before him, the whole in favour of the defendant which is to be found is this, that undoubtedly Mr. Justice Bayley, and, perhaps, in still more emphatic terms, Lord Ellenborough, distinctly decided, in Burdett *v.* Abbot, that the House of Commons have a right to try the question of contempt; and having tried the question in The House, and found the party guilty of contempt, that judgment was final and irreversible. There was no other appeal from it to any court or any other tribunal; their judgment was at once final. My Lord, I agree to it; and if it had appeared upon this warrant, as it appeared upon the warrant in Burdett *v.* Abbot, that the House of Commons had adjudged this gentleman guilty of contempt; or if, for I do not seek to bind them to points of form, enough had appeared upon the face of this warrant to enable your Lordships clearly to see that he had been guilty of contempt, I agree that your Lordships could not sit in judgment by way of appeal upon that warrant of the House of Commons, but that that judgment must have been held lawful by virtue of the force of that doctrine. Here, I say, there is no allusion to contempt or any other offence; no mention of a charge, still less of a conviction.

My Lords, the next proposition upon which the language of the learned Judges has gone, and upon which my learned friend has very naturally dwelt, is this, that the House of Commons has the undoubted power to imprison for contempt of any of their privileges; that besides being the judge of their privileges and of what is contempt, they have the undoubted power of imprisoning for contempt. I do not deny it; and if upon these proceedings it had appeared that the plaintiff had been guilty of contempt, there would have been no question; but that is the whole extent of all that they say. There is nothing that fell from any of your Lordships now present, or from any Judge now living or dead, in the one court or the other, having any bearing upon the question whether a warrant of the House of Commons, or of any other tribunal, which states no matter of offence or cause whatever is valid over the subject to be imprisoned under it. When my learned friend uses these observations, applicable to commitments for contempt, in support of the doctrine of the House of Commons having the power to legalize whatever they may order to be done, I must pray your Lordships to mark the important distinction between the power to resolve what is a privilege or what is a breach of privilege, or what is contempt, and the power to declare that to be law which is not law; the power to declare that their officer may do that which by the law of England he has no right or power to do. I admit that the House of Commons may pronounce what is a breach of privilege, and if they, having so done, convict a party of a breach of privilege or contempt, and they do not set this forth upon the warrant, your Lordships have no right to interfere; but I deny that the House of Commons have any more power to declare what they have declared here, that is a good warrant, upon which a subject

may

may be imprisoned, than they have to declare any other matter which might be in dispute. They are but one of the three branches of the Legislature; they cannot make the law. If, my Lord, this warrant is good upon the face of it, your Lordships will so hold; but if it be not, the House of Commons cannot make it so. If they had declared that it was a part of their privileges to arrest a man for felony, they could not by such a declaration make that the law. It is against Magna Charta, against the Petition of Right, and against the well-known law of the land. They could no more give themselves the power of arresting under a void warrant and making that a good warrant than they could create a new writ, something like the writ of amoveas, which has been a point under discussion, but especially in all cases of personal liberty, if the law be, as I hope I have satisfied your Lordships, that a man can only be abridged of his liberty by a legal warrant, and if it be legal, it must be by the cause appearing upon the face of it; the House of Commons have no more power to declare that by a warrant which does not contain matter upon the face of it, it is their privilege to arrest, than they have to declare the right of arresting for murder, or for any other unlawful thing, by their mere resolution.

Therefore, my Lords, in referring to those two propositions deduced from the language of the Judges in the case of Burdett *v.* Abbot, and the other case, of Stockdale *v.* Hansard, giving them their full effect, they do show that where The House has adjudged there is no appeal, the party must submit. They do say this, that a warrant of commitment, setting forth the cause in any terms that your Lordships can collect, is a good justification for imprisonment; but they say no more; and if they are brought forward to show that this warrant is valid, and that the House of Commons have the power to commit or imprison a man for one moment upon a warrant specifying no cause, assuming to themselves the power of making the law, to introduce a new form of warrant to introduce a new mode of imprisoning the subject and depriving him of his liberty, I say they have no more power to do that than they have to authorize their officer to put the man to death.

My Lords, this brings me to the conclusion of all I have to urge with regard to the validity of the warrant; that warrant (as I am afraid I have, till I have wearied your Lordships, urged again and again) not only states no offence, states no object, but it does not point, even by way of suggestion or recital, or otherwise, to any purpose or any reason for which the party was to be taken into custody. It is not a warrant to commit upon conviction; it is not a warrant to apprehend upon a charge; it is not a warrant to bring the party before them to compel him to give evidence; it is not a warrant specifying anything that, even if the law would authorize it, might be made the ground of imprisonment of a subject; but, aiding it to the utmost extent practicable or reasonable by the recital, it is nothing more than a simple mandate to take the party into custody; and I do submit to your Lordships that if that warrant be held valid, your Lordships can only so hold it upon the ground that the House of Commons possesses an uncontrollable absolute power to imprison generally, with or without cause existing or assigned.

And once more, my Lords, in conclusion, upon this by far the most important part of the case, I pray your Lordships' attention to this consideration, that if this warrant be held valid, it is holding that there is a new mode, a mode as yet unknown to the law, by which a subject can be abridged of his liberty. It is not a writ in mesne process, or in execution; it is not a magistrate's warrant; it is not a warrant issuing from a superior court to apprehend upon a charge, or to commit in order to compel a party to give evidence; it is not a warrant upon conviction; it is no warrant, no writ, no mandate, no instrument known to the law, or that any lawyer ever heard of. But it is a new form of instrument, specifying no cause, and pointing out no cause; and if your Lordships were now for the first time to give validity to this as the mode in which a warrant may be drawn up; I speak with all the humility and respect which I unfeignedly feel; but I say that you cannot hold it good without saying that the provision of Magna Charta to which I have referred is a dead letter. Here is a mode that cannot have existed at the time of Magna Charta; here is a mode found in no books, never alluded to in argument or suggestion; here is this new writ, new warrant, new mandate, which is different from all others, assigning no cause, alluding to no cause——

Mr. Justice *Coleridge*.—Why do you say that this form could not have existed at the time of Magna Charta?

Mr. *Kelly*.—Because, my Lord, from Magna Charta downwards we have no single instance of a subject being arrested upon such an instrument. Perhaps I use too strong an expression in saying it could not have been, because it is possible that at the time of Magna Charta persons might have been imprisoned in this form; but I ventured to say it could not have been, because we find no trace of this mode in any judicial proceedings.

Mr. Justice *Coleridge*.—Suppose it had alleged expressly that The Speaker had issued this warrant in the form and according to the ancient usage and the law of Parliament, and it then set out this warrant as it is set out upon the plea, must we not have taken it upon demurrer that this was according to the ancient form generally used by the House of Commons? I do not say that the plea has done that.

Mr. *Kelly*.—No, my Lord. I am coming to that point: if the plea had done that, it would have been open to this objection, which I hope your Lordships will not deem unimportant, that unless the House of Commons had expressly alleged that this was a form of warrant that they, the House of Commons, had used as of right as early as the time of Magna Charta, it would not have been sufficient, for this plain reason, the privileges of the House of Commons must be immemorial; Lord Ellenborough says, in Burdett *v.* Abbot, that they must be immemorial. If, therefore, it appears upon the pleas that this right began to be used in the reign of, I will say Edward the Fourth or Edward the Fifth, then it raises the

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

the question; if it began to be used by the House of Commons in the reign of Edward the Fourth, posterior to Magna Charta, whether it is consistent or not consistent with it, and if it be against Magna Charta, it is unlawful, even if the House of Commons have exercised such a privilege from Edward the Fourth downwards, unless from reference to an Act of Parliament authorizing it; and I cannot press upon your Lordships too strongly this observation, that no imprisonment can be lawful unless it has existed from the time of Magna Charta, or was created by Act of Parliament; it could not be created by any resolution of either House of Parliament; it must be by Act of Parliament, if since Magna Charta. If since Magna Charta, it is not imprisonment *per legem terræ*, and accordingly your Lordships will find that in the two instances to which I have directed the attention of the Court, first in the case of attachments for contempt, they are put upon the footing of law, and are declared by the Judges to be legal, because the practice had existed from the time of Magna Charta; and again, those doubtful warrants, "to answer to such charges as may be made against him," are put upon this, that there is some reason to show that they existed at the time of Magna Charta; so that with regard to warrants of magistrates and those forms of attachments, those who have held them the one to be legal, and have contended for the legality of the other, have put it expressly upon this, that they thought that they were coeval with Magna Charta, and unless they are so they cannot be lawful.

Therefore, my Lord, I say that if the plea had alleged in express terms that it was a privilege of the House of Commons to arrest by warrant in the form following, which is the only way in which I conceive it could be held valid, it would have been insufficient; otherwise we must come to this conclusion, that by their declaring a thing to be their privilege, though it is against Magna Charta, it becomes law, and that I am sure your Lordships will never hold. I quite agree that if they had alleged at the time of the passing of that great Act of Parliament, the Magna Charta, that it was from thenceforward, hitherto had been, and still is, the undoubted privilege of the House of Commons to arrest the Queen's subjects upon a warrant in the form following, and they had set forth this warrant, I agree that in that case your Lordships would have to consider that it was admitted upon the pleading that in fact that law existed at the time of Magna Charta, and that unless there were something upon the face of it totally repugnant to law, your Lordships would have supported it; but there can be no doubt that no subject of this realm can be arrested, except under a valid warrant; and a warrant to be valid and of force, in order to deprive a man of his liberty, must be a warrant which existed and was known to the law at the time of Magna Charta; or it must be a warrant which has been created, and therefore been legalized by Act of Parliament since. This warrant, if it existed at the time of Magna Charta, is not to be found in any record of that time or of any other; it has never been held valid; and in courts of justice instruments far less objectionable have been held to be invalid; therefore, upon such an averment as this, it is impossible to contend that this warrant is valid.

In conclusion, upon this point, I once more urge upon your Lordships the important consideration, that the effect of a decision in favour of the validity of this warrant would be to destroy the whole of the protection given by the Habeas Corpus Act; and it is the more important because, however little it might be supposed that it was open to me to argue upon any real or supposed danger of tyranny on the part of the House of Commons upon the people of this country, it is perfectly obvious that, wherever there has been tyranny and oppression, it has always begun by small beginnings, and it is only by protection by the forms of law, as well as Acts of Parliament like the Habeas Corpus Act, and by that form of protection being liberally acted upon by the courts of law in Westminster Hall, that there is the slightest security against the tyranny of any body, even were it a far less powerful one than the House of Commons, asserting its power by warrants such as this.

My Lords, the question however remains behind, whether, supposing the warrant to be insufficient in fact to show any just cause, or any cause at all, for the imprisonment of one of Her Majesty's subjects, the defendant can resort to the averments in the plea, and to aid the insufficiency of the warrant by those averments; and for this purpose of course I assume, for the moment, that the averments are sufficient; that matter enough is averred, and properly averred, to legalize the arrest of the party, if the two can be taken together; such is, suppose the plea had alleged that, before the time in question, the party had been guilty of contempt upon the House of Commons, and had been adjudged and convicted of that offence, and that thereupon it was ordered that The Speaker should issue his warrant to commit him to Newgate or the Tower; that would no doubt set forth a clear lawful cause for his imprisonment; and then suppose, in the execution of that, the present warrant issued, the question is, whether the imprisonment of the party under that warrant could be justified by matter not averred upon that warrant, but averred extrinsically in the plea.

Now, my Lords, in the first place, I would observe that the plea, in express terms, alleges that the imprisonment took place by virtue of that warrant. The declaration says that, on a certain day in the year, the defendant assaulted, arrested, and imprisoned the plaintiff. The plea, after setting forth these matters, sets forth the warrant in question. "After reciting therein," and so forth, it then proceeds thus: "And the defendant further says, that he the said defendant then, to wit, on the day and year last aforesaid, was the Serjeant-at-Arms attending the said House of Commons, and that the said warrant was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms as aforesaid, to be by him executed in due form of law, by virtue and in execution of which said warrant the defendant——." Now here is his allegation, "by virtue and in execution of which said warrant the defendant, as such Serjeant-at-Arms as aforesaid, afterwards and at the said time, when, &c., in the declaration mentioned, gently laid his hands upon the plaintiff to arrest

arrest him and take him into custody, and did then arrest him by his body by virtue of and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the several passages." Now, before we come to what he alleges he did in execution of a prior resolution or order of the House of Commons, that is, before he proceeds to justify the carrying him along the passages, he justifies the assault, the arrest, and the imprisonment, in express terms, by the mere warrant. Well then, my Lords, is it to be said that when a man is imprisoned by a public officer, imprisoned, as the officer alleges in his plea, by virtue of a warrant, under which and as far as relates to the mere assault and imprisonment, he states no more than is in the warrant, is it to be said he can fall back upon something else and say, "True it is I arrested you under and by virtue of that warrant; that warrant is void in law, but there was a good and sufficient cause behind, which enabled me to arrest you, and so I arrested you accordingly."

So much, my Lords, for the allegation; but now let us see what the practical danger is. The law is well known, that the right to resist an instrument depends upon its validity. If the party about to be imprisoned, in resisting his opponent kills him, if the warrant be good he is guilty of murder, if the warrant be bad he is guilty of justifiable homicide. Then how is it to be known? By what tenure do men hold their lives in this country? An officer of the House of Commons or of any other tribunal brings forward a warrant bad upon the face of it, which authorizes no imprisonment, and he proceeds to arrest a subject of the realm by virtue of that warrant, to say to him, "I arrest you by virtue of this warrant." The party attempted to be arrested says, "That warrant is unlawful and void;" and he resists it; he kills the other party in the struggle, and then he is to be told, when on his trial for murder, "Why true it is that warrant is void, and as far as that went you were justified in resisting; but then the House of Commons had voted you guilty of a contempt, or had voted that you must attend on another charge, and that rendered the arrest lawful and your resistance unlawful, and therefore you are guilty of murder, and must be hanged." My Lords, at every stage of the cause, at every point, we are met by insuperable difficulty, by something that is repugnant to one's notions of common sense as well as of law. Do we hold our liberties, I ask, by such a tenure, that it is to be matter of uncertainty and matter of evidence lying behind, when an officer, a public minister of the law, comes to arrest a party, and produces his warrant, upon which alone the party can know what has taken place, and he is to fall back upon something else and say, "That is lawful, though the warrant by which I arrest you is unlawful?"

My Lords, just let me for a moment refer to what I shall have to advert to for another purpose, namely, the statute mentioned in the case in the Exchequer, to which my learned friend (the Solicitor-general) has called your Lordship's attention; the statute which now declares, that though a warrant may be defective upon the face of it, if it refer to a conviction, and there be in fact a good and valid conviction, that conviction will support the warrant. What was the use of that statute, if an officer, arresting under a warrant turning out to be defective by common law, could fall back upon a conviction and say, "Here was a good cause in fact; you had been guilty of an offence; you had been adjudged guilty of an offence; you had been convicted, and though the warrant upon which I arrested you was bad, still you ought to have been imprisoned, and your imprisonment was justifiable?" Why, my Lords, there would be no security for liberty any more than for life, if, where a man has been imprisoned by virtue of a warrant which conveys to him the only information upon which he can act in resisting or yielding, which in the great majority of cases of imprisonment, where the officer arresting places the party in the custody of a gaoler, conveys to the gaoler the ground upon which he is authorized to detain him in custody, you can depart from the form of that warrant, and can say, "It is not only that, but there is something else; I can add to it, or I can vary it, and to show that the imprisonment is lawful," where is the security of the subject? How can any man tell whether to yield or to resist, the law enabling him to resist if the warrant under which he is arrested be unlawful, and compelling him or enjoining him to yield if it be lawful. How can the gaoler to whose custody he has been consigned know? Again, upon habeas corpus, how can the Court know if it is not the instrument by virtue of which the party has been arrested?

My Lords, this does not rest upon reason only, but it rests upon authority. In the case to which so much reference has been made, and where that great lawyer Lord Holt had the whole doctrine of imprisonment before his mind's eye when he gave his judgment, your Lordships will find that enough appears to show that this cannot be done. He says, "The cause of the prisoner's commitment"——

Mr. Justice *Coleridge*.—You are still reading from the Queen *v.* Paty.

Mr. *Kelly*.—I am now reading, my Lord, from p. 1115 of The Queen *v.* Paty. "He said, the cause of the prisoner's commitment being expressed in the warrant, excluded any intendment that they might be committed for any other cause than that expressed in the warrant." What is that but saying, that upon a habeas corpus, where the matter is not so strong, because upon habeas corpus it is possible—I do not say it is according to law and practice—but it is possible the Court might have been informed, besides the warrant upon affidavit of facts lying before the warrant of arrest, yet even upon habeas corpus Lord Holt says you must look at the warrant.

Mr. Justice *Wightman*.—The cause stated excludes all other causes.

Mr. *Kelly*.—Yes, my Lord.

Mr. Justice *Wightman*.—But supposing there is no cause assigned upon the warrant, we may then look at the averments.

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

Mr. *Kelly*.—I should think not, my Lord; for supposing one cause to be assigned upon the warrant, can you add another? No, here is the authority; supposing none, can you add one? I apprehend not. Then if so, there is this absurdity in the doctrine, that you may add one cause to none, but you cannot add one cause to another. You may add a first to none at all, but you cannot add a second to a first. My Lords, these are distinctions rather of the imagination, or of the ingenuity of man, upon which the liberty of a free people cannot by law depend. It is not, my Lords, only for the great and important purposes which I have mentioned, namely, to secure a party against a charge of murder in resisting an arrest under an illegal warrant, and to defend the gaoler who receives his body into custody, that I contend for the position which I am now supporting; but it is for every conceivable purpose, at every step and stage of the proceeding itself, and every other proceeding arising out of it, that all parties should be informed, the prisoner, the officer who imprisons, the gaoler who receives into custody, the tribunal that issues the process, the party that institutes the process; all ought to know from the instrument by virtue of which one man comes and assaults, arrests, and imprisons another, why he does it. Surely, at least, it would need some authority; we should require something to show that it is lawful to refer to an extrinsic cause which does not appear, and may be unknown to all the parties interested, and acting upon the warrant, before it could be held that such is the law. But, my Lords, see again; let me put this case: is it to be supposed that the officer knows of that other cause? If he does not (and there is nothing to show that he does), here is an officer ordered upon a certain warrant, which is his guide and his instruction, to arrest an individual. He knows no more than that; he proceeds to arrest him. If other matters are to be looked to besides the thing itself, it may tell just as much against an innocent officer as in the case now contended for it would against a prisoner, because the officer may have a warrant which is perfectly good and valid upon the face of it; but if to make a warrant for the imprisonment of the subject lawful, you may look to extrinsic matter, I do not know why you should not look to extrinsic matter to make it unlawful, and yet that could not be in the case of an officer. If this Court issue a writ to the sheriff to arrest a man, and the sheriff arrest him, and the writ be good upon the face of it, the sheriff is justified, although the Court may have done wrong, and there may have been no judgment, yet with regard to the instrument itself, it is that and that only which must be the guide of all parties, because it is that and that only by virtue of which the officer acts. This principle rests, therefore, my Lords, upon reason, and it rests, as I hope I have shown, upon authority.

Then, my Lords, let us suppose that reference may be made to the averments. I submit to your Lordships, that for the reasons which I have given, and many others, it cannot; but suppose it may, what is the averment here upon which my learned friend relies? Now I call your Lordships' attention to the way in which this warrant is introduced. The defendant says, after the introductory matter, it was "Ordered and resolved by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, as follow (that is to say), that the plaintiff should be sent for and brought before the said House of Commons, in the custody of the Serjeant-at-Arms attending the said House of Commons; and that the Speaker of the said House of Commons should issue his warrant accordingly, whereupon the Right honourable Charles Shaw Lefevre, then being Speaker of the said House of Commons, in pursuance of the said order and resolution hereinbefore last mentioned, and in pursuance of and according to the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Serjeant-at-Arms of the said House before the said House, according to the order and resolution last mentioned, for the purpose aforesaid, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered—" Then he sets forth the warrant.

Now my Lords, this is, on the one hand, contended to amount to an allegation that the form of this warrant is the form recognised and sanctioned by the privileges of the House of Commons. I contend, on the other hand, that it merely shows that the warrant, be it good or bad, be it for one purpose or another, was duly issued, that is, that it was issued according to the form, usage, and custom of The House; for example, that it was issued by the proper person, by the proper officer or member of The House, to wit, the Speaker, to the proper officer of The House, namely, the Serjeant-at-Arms. Then this allegation imports and amounts to nothing more than that the act of issuing that warrant was due and regular, according to the course and practice of the House of Commons. But it leaves the question of the validity, in point of form and substance, of the warrant itself totally untouched. We are not now upon the privileges of the House of Commons; I presume the House of Commons have no extraordinary privileges differently from other people or other bodies; we are now upon the common and plain interpretation to be given to the allegations in the pleading. What in ordinary pleading is the meaning of saying that a warrant is duly issued? Has it any thing to do with the form of the warrant? If it were so, there is no one case in which a warrant for the imprisonment of a person, or for the seizure of property, when issued by a court or by a magistrate, containing the most palpable defects in form and substance upon the face of it, would not be legalized and rendered valid by the allegation that it issued duly and according to the custom and practice of the said Court, or duly according to Act of Parliament, in the case of a magistrate's conviction under Act of Parliament, or duly according to the law and custom of Parliament, if it relates to Parliament.

My Lords, I apprehend that these formal words may go to cure any defect in the manner, and

and mode, and time in which a warrant is issued, or any other act is done where it is not specially demurred to, but that it has nothing in the world to do with the form of thing itself. I need not refer to the innumerable cases in which the validity of magistrates' warrants has been brought under the consideration of this Court. Supposing the question now before the Court to be one in which the warrant of commitment, or the mode of conviction of a magistrate was in dispute, and it appeared to be not conformable with the statute, so that it was bad and void in law, could it be cured by the strongest and best framed allegations that the magistrate duly according to Act of Parliament, and according to law, issued that warrant and delivered it to the officer to execute? Certainly not; it is the same, my Lords, not only with regard to warrants, but with regard to other instruments. I will take the case of an award; your Lordships well know it will not do if the award be bad upon the face of it, to say it was duly according to law, and according to the terms of the order of reference that the arbitrator made his award.

My Lords, there are so many cases to this effect, that I should be sorry to weary your Lordships by referring to them, but there is one in particular which I will mention, the case of Everard *v.* Paterson, in 6th Taunton, page 645, because that was a case in error in the Exchequer Chamber; there there was a writ of error brought to reverse a judgment; it was in an action of debt upon a submission to arbitration; the award had been made in writing, and it was "averred that the arbitrators in due manner and before the day named duly made their award in writing," and so forth. The objection was taken that it was not alleged that the award was made under the hands of the arbitrators, as it ought to have been pursuant to the terms of the submission, and error was brought (this was not special demurrer) for that among other causes. It was argued by no less a learned person than the late Mr. Justice Littledale; he "contended that the words 'duly' and 'in due manner,' involved the allegation that the award was made under the hands of the arbitrators." Then he goes into the cases, and endeavours to show that any defect in the form of the thing itself, or any want of a formal allegation would be cured by those strong words, that it was duly made, that it was made in due form of law, and so forth, and a great variety of cases are cited. After taking time to consider, Lord Chief Justice Gibbs delivered the opinion of the Court, that the plaintiff in error was entitled to reverse the judgment upon this ground, that the award was not stated to be under the hands of the parties, and that that defect was not cured by the strongest allegations that it was alleged in due manner to have been framed.

I conceive therefore, my Lords, that if the House of Commons, or I should say the defendants mean to contend that this warrant is legalized by the privileges of Parliament, it ought in express terms to have been alleged that by the usages and privileges of Parliament, it was their privilege by a warrant in this form to arrest a party upon the grounds stated in the pleadings. But in truth even that is not stated; it may be quite true that upon certain considerations and upon certain grounds a warrant was issued for the apprehension of the plaintiff, and it may be shown that it was so, but here is no allegation at all upon the point, except that the warrant issued according to the ancient usages of Parliament; I apprehend that allegation is quite satisfied by proof that it issued while the Parliament was sitting, that it issued in due time before the prorogation, that it issued to the proper officer by means of the Speaker, and was delivered to the proper officer, the Serjeant-at-Arms, and that it issued in consequence of resolutions which had preceded it. But, my Lords, with regard to giving validity to the instrument itself, I conceive that that cannot be done without the distinct allegation to which I have alluded; and my Lords, I go further—I submit to your Lordships that if the plea had distinctly alleged that this warrant was clearly issued according to the usage, practice and privileges of Parliament, and that the House of Commons had the privilege which they had resolved that they had, namely, the privilege to issue warrants in this form to arrest any of the Queen's subjects under such circumstances, that would have been insufficient unless it had been alleged in the plea that that privilege and usage had existed as early as the time of Magna Charta: I do so upon the ground that *primâ facie* a warrant for the apprehension of the subject, assigning no cause, is illegal and void, and that no one arrested under such a warrant is arrested and imprisoned *per legem terræ* within the meaning of the statute of Magna Charta. And if that be so, it is not enough to say that the House of Commons have the privilege of doing so, because the allegation of privilege is an allegation of fact, as well as an allegation of law, and inasmuch as the privilege of the House of Commons may, as I have submitted to your Lordships for another purpose, in answer to a question put by the Court, have begun to exist in modern times, that would raise the question what was the origin of the legality of this privilege? This privilege, if it began subsequently to Magna Charta, would be void; it is therefore only upon a distinct and positive allegation that it existed at the time of Magna Charta that the plea would show a sufficient justification.

And, my Lords, in turning from the subject, I have only another observation to offer, that is, to urge upon your Lordships to consider the importance of seeing that every form of law is strictly and amply pursued, and that every allegation in the plea is clear, unambiguous, absolute, and binding when it goes in defeasance and in destruction of the liberty of the subject. If this were a mere matter of custom, if it were a mere allegation of a matter of practice as to the time within which the writ should issue, or within which it should be returned, or the time within which the House of Commons should receive a particular class of petitions, or anything of that description, perhaps your Lordships would say that an allegation of the common intent was sufficient, and would not be disposed to question the validity of the argument which has been urged on the other side. But your Lordships will always bear in mind, that if any of the allegations in this plea be used for any purpose at all,

Appendix, No. 3.
Reply.
19 Nov. 1844.
Mr. *Kelly.*

all, they are used for the purpose of authorizing the imprisonment of the subjects of this kingdom in a manner under certain forms and warrants otherwise unknown to the law; I therefore conceive that your Lordships will not sanction the imprisonment of the subject under such circumstances. Your Lordships will not hold that by these *nova judicia, nova fora,* the people of this country shall be imprisoned, unless the matter be so clearly and distinctly alleged in the pleadings as that no one can doubt that if the privilege of the House of Commons can be to the extent claimed here it is alleged to exist, so as to admit of no misconstruction.

There is nothing, my Lords, in the allegation respecting the warrant having been issued according to the usage and practice of the House of Commons, except the words which I have read to your Lordships, that is, that the Speaker, according to the ancient usages of The House, issued his warrant. Now what is the plain grammatical meaning of that? Does it say the form of this warrant is according to those usages and customs? No such thing. It is merely that it was according to the usages and customs of The House that he issued this warrant. It applies to the act of issuing. I will agree that the warrant was issued, and that it has been dealt with and executed, and passed from hand to hand according to the ancient usages and practice of Parliament. But that is quite apart from the validity of the form of the warrant. We say a writ of *capias ad satisfaciendum* duly, according to the practice of the Court of Queen's Bench, delivered to the sheriff, and duly, according to the practice of the Court of Queen's Bench, delivered to his officer; but has that anything to do with the validity of the writ? All that might be alleged in the case of an action for false imprisonment, where a party had been sued under a writ, but that would not legalize the arrest if the writ was bad itself in point of form, because all these allegations, however strong, only grammatically, as well as by fair construction, refer to the fact of issuing, to the fact of delivering, to the use made in the execution of the thing, and not to the form and obligation of the instrument itself. I submit to your Lordships that that would be so in any ordinary case of practice; but *à multa fortiori,* this is the doctrine upon which your Lordships will act in a case where an entirely new instrument, unknown to the law, is sought to be legalized to abridge the liberty of a subject of this kingdom.

But, my Lords, to come to the last point in the case, supposing this warrant, though bad, may be abandoned or aided, and that it is sufficiently alleged that it was issued according to the usages and practice of Parliament, and supposing all the other averments can be called in aid of this warrant, then still comes this great question behind: suppose the warrant sufficient with the averments in point of form, and all the allegations sufficient likewise for that purpose, has the House of Commons the right and power, by the law of England, to arrest a person by his body, either to compel him to give evidence, or to arrest him, not upon a conviction, but upon a charge of contempt? The grounds stated in the two sets of pleas are, first, to compel him to give his attendance to be examined; and, secondly, to answer the charge of contempt. Now, my Lords, in the first place, no authority in any court of law has been at all cited at all tending to show that such a power has ever been recognised. No instance can be found in which a party ever was held justified for arresting and imprisoning another, under an order of the House of Commons, upon a charge of contempt, or upon any other charge, or still less on the ground or under an order that he was to be brought up to give evidence; and I submit that it is entirely repugnant to the usages of the superior Courts, of which your Lordships must take judicial notice; it is contrary to practice, it is contrary to law, to hold that any court has power to arrest a person upon a mere charge of contempt, or to arrest a person in order to compel him to give evidence.

My Lords, with regard to arresting a party to bring him to give evidence, some authorities have been referred to, and it has been contended that such a power does exist, either in magistrates or in this Court, or in both; that is, a power not merely to issue a subpœna, and upon disregard of that subpœna to adjudge the party guilty of a contempt, and then to imprison him for it, but at once to act *in specie*, as we may say, and take him by his body, and bring him as a witness before the Court. Now, my Lords, first with regard to a magistrate; my learned friend was contending, upon the authority of the case of Evans *v.* Rees, that a magistrate has authority in a criminal charge to arrest a party who is a material witness, in order to compel that party to come and give evidence. My Lords, on looking at the case itself I do not think it will be found at all to warrant that doctrine. I conceive that when the authorities and the statutes from which magistrates derive their powers are considered, it will be found that a magistrate has power to summon a witness. It is said by Lord Hale, and I am not disposed to dispute it, that if the witness fail to appear, the magistrate has power, like superior Courts, to commit him to prison for his contempt in not appearing; and if he do appear, and refuse to be bound over to give evidence upon the trial of the case at the sessions or assizes, the magistrate has undoubtedly power to commit him for want of recognizances; he may commit him in order to make him a witness upon the trial. But, my Lords, it will not be found that there is any power in any magistrate to arrest a person in order to make him a witness before him in any manner whatever.

Now let us see what the case of Evans *v.* Rees was: a "trespass for assault and false imprisonment—not guilty, by statute;" and on the trial it appeared that the defendant was a magistrate of Carmarthenshire, and that the plaintiff had been imprisoned under his warrant, which was as follows: "County of Carmarthen; To the constables of the parish of Llanarthney, in the said county, and to all others Her Majesty's peace officers; whereas Edward Adams, of, &c. esquire, hath made oath unto me, John Hughes Rees, one of Her Majesty's justices of the peace in and for the county of Carmarthen, that on the 8th of August last he was violently assaulted whilst in the execution of his duty," and so on; "and that William Evans, of, &c. in the said county, farmer, is a material witness in the premises: and

and whereas I did thereupon issue my summons to require the said W. E. to appear at a time and place therein mentioned, to testify his knowledge in the said assault; and it has been proved before me, upon oath, that the said summons was duly served, but that the said W. E. did not then and there appear to testify his knowledge as aforesaid, but that the said W. E. said that he would not appear pursuant to the said summons: and whereas it is necessary for the ends of justice that the said W. E. shall appear at the next assizes to be held for this said county, then and there to testify his knowledge concerning the said assault; these are to command you, the said constables, to bring the said W. E. before me or some other of Her Majesty's justices of the peace in and for the said county of Carmarthen, to find sufficient bail to appear and give his evidence at the next assizes for this said county, and testify his knowledge concerning the said assault." Now that was undoubtedly a warrant to apprehend and imprison the party, and to bring him as a witness, for the purpose of making him give evidence before a magistrate. But, my Lords, all that was decided in that case was, that that warrant was invalid, that it was void; so that there was no decision in that case at all that any magistrate has power to arrest a person in order to bring him in custody to give evidence before him. That decision, therefore, is not in favour of the defendant, for the warrant was held void. But, my Lords, it appears that, in giving judgment, Lord Denman uses these words: "I throw no doubt on the power of the magistrate to do all that is necessary to compel the attendance of those witnesses whom he knows to be material." Now, so far I may as well advert here to another branch of the argument used by my learned friend——

Lord *Denman*.—Where is that?

Mr. *Kelly*.—This, my Lord, is in page 59 of the twelfth volume of Adolphus and Ellis, in the case of Evans *v.* Rees. My Lords, so far the expressions, as fairly and substantially understood, are perfectly correct; that is, there is a power to compel persons to appear and give evidence; and my learned friend, I was going in justice to say, has made ample use of expressions to the same effect, to be found in a very great variety of cases. He says it is to be found that there is a power to compel the attendance of a witness, and he finds in the Journal of the House of Commons, and proceedings connected with the House of Commons, he finds even in the language of Mr. Justice Patteson, in the case of Stockdale *v.* Hansard, this actual declaration, that there can be no doubt of the power of the House of Commons to compel the attendance of witnesses to be examined in matters of public importance before them; and hence my learned friend says, Here is a multitude of authorities to show that a person may be arrested, in order that he may be brought to give evidence as a witness. My Lords, I take leave to differ with my learned friend in the construction of those words. It is truly said by Mr. Justice Patteson, it is truly said by my Lord Denman, with reference to the power of magistrates, and it may be as truly said by any one, as to the power of all the Courts having jurisdiction for the trial of causes, that they have power to compel the attendance of witnesses. The question is, how? The power to compel the attendance of witnesses may be by issuing a subpœna, and, if the subpœna be disobeyed, by punishing the party by an attachment, such an attachment being an attachment for contempt, as well as by the actual power to apprehend the party. All Courts have power to issue a subpœna, and on disobedience to that subpœna to punish the party by attachment, by imprisonment, and thus in that sense they would be said to have power to compel his attendance, and to compel him to give evidence, for they have equal power to compel his attendance, and to compel him to give evidence; that is, they have power to punish him by fine and imprisonment if he fail to do either the one or the other, but that is all. I apprehend it will be found perfectly clear, it is not a matter of doubt, that no Court in this kingdom has power to apprehend a person for the purpose of making him give evidence. It may in one sense compel him, it may punish him by imprisonment for not doing it; if he fail to come, it may punish him upon attachment for a contempt; or if he come, and being here, refuse to give evidence, in one sense the Court may compel him to do so; that is, it may punish him if he does not do it; but the Court has no more power to apprehend and bring him as a witness, than it has power to inflict torture to compel him to speak when here; and therefore it is a misconstruction of the language of judges and of the language of the law to say that when you find it laid down even in a hundred places that there is a power to compel the attendance of witnesses, that means a power to apprehend them, and bring them in custody as witnesses. Thus far no doubt it is correct. "I throw no doubt on the power of the magistrate to do all that is necessary to compel the attendance of those witnesses whom he knows to be material. Here, if the warrant had merely recited the witness's refusal to attend, and directed the constable to bring him, there might not be much doubt that it would have been justifiable."

Now, my Lords, I am sure I need not say that I speak with unfeigned respect of anything that falls upon this or any other matter of law from so very high an authority, but I must add, that I have looked in vain either for decisions, or even for dicta, to show that a magistrate has any such power by law as that which I presume must have been in the mind of the noble and learned Judge at the moment when, if correctly reported, he used those words. Certainly I agree with my learned friend, that it is to be inferred, when Lord Denman said, that "if the warrant had merely recited the witness's refusal to attend, and then directed the constable to bring him, there might not be much doubt that it would have been justifiable." His Lordship thought it would have been justifiable; but I apprehend when your Lordships come to look at what is the origin and nature of the power of the magistrates, no such power as this will be found to exist. The course a magistrate must pursue is this: if a criminal charge come before him, and it be alleged that any particular witness is necessary, he may summon that witness to attend; if the witness attend he

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly.*

he must give evidence; if he give evidence, or if it appear that he can give material evidence, so that it is thought necessary that he should be bound over to appear as a witness upon the trial at the assizes or sessions, the magistrate then has power to bind him over; it may be he has power to require sureties of him, though it is a very oppressive power if it exists, but at all events, he has the power to bind him over; if the party refuse to be bound over, the magistrate may then commit him to gaol for his refusal; so that he has the power to summon, he has the power, if a witness appear and give evidence, or if his evidence be thought material, to bind him over to appear at the sessions; he has the power, as Lord Hale thought, and I am not disposed to dispute that either, if a witness refuse to appear, to imprison him for a contempt, but he has no power to imprison him, that is, to apprehend him, to put the construction my learned friend does upon the words, "send for," he has no power to send for him in custody, and to apprehend and bring him in custody to compel him to give evidence; and I apprehend that my Lord Denman, in throwing out the opinion which he did, for clearly it is no more, had not at the moment adverted to the terms of the Acts of Parliament under which alone the powers of magistrates in these cases exists. My Lords, these are the Acts of Philip and Mary, and indeed all that can be said upon this subject is cited in the argument in the very case to which I have just called your Lordships' attention, from 2d Hale's Pleas of the Crown, p. 282. It is said, "Now as touching the compulsory means to bring in witnesses, they are of two kinds; 1st. By process of subpœna issued in the King's name by the justices of peace, oyer and terminer gaol delivery, or King's Bench, where the plea of not guilty is to be tried. 2. Which is the more ordinary and more effectual means, the justices or coroners that took the examination of the person accused and the information of the witnesses, may at that time or at any time after, and before the trial, bind over the witnesses to appear at the sessions, and in case of their refusal either to come or to be bound over, may commit them for their contempt in such refusal, and this is virtually included in this their commission, and by necessary consequences upon the statute of 1 & 2 Philip and Mary." Then Dalton's Justice is much to the same effect, and your Lordships will find by the statute of Philip and Mary that this is all that they have power to do.

The first Act, my Lords, is the 1st and 2d of Philip and Mary, c. 13, by sect. 5 of which it is provided, "That every coroner upon any inquisition before him found, whereby any person or persons shall be indicted for murder or manslaughter," and so on, "shall put in writing the effect of the evidence given to the jury before him being material; and as well the said justices as the said coroner shall have authority by this Act to bind all such by recognizance or obligation as do declare anything material to prove the said murder or manslaughter, offences or felonies, or to be accessory or accessories to the same as is aforesaid, to appear at the next general gaol delivery to be holden within the county, city or town corporate where the trial thereof shall be, then and there to give evidence against the party so indicted at the time of his trial, and shall certify as well the same evidence as such bond or bonds in writing as he shall take, together with the inquisition or indictment before him taken and found at or before the time of his said trial thereof to be had or made; and likewise the said justices shall certify all and every such bond," and so forth. "And in case any justice of peace or coroner shall after the 1st day of April offend in anything contrary to the true intent and meaning of this present Act." Then there is the punishment, so that your Lordships see this statute gives the power of summoning and binding over to appear upon the trial, but no power to arrest in order to bring the party to give evidence before any magistrate or coroner.

The next statute is the 2 & 3 of Phillip and Mary, c. 19, and that says, "Forasmuch as the said Act," that is, the one I have last referred to, "doth not extend to such prisoners as shall be brought before any justices of peace for manslaughter or felony, and by such justice shall be committed to ward for the suspicion of such manslaughter or felony," and so on, "Be it enacted, that from henceforth such justice or justices before whom any person shall be brought for manslaughter or felony, or for suspicion thereof, before he or they shall commit or send such person to ward, shall take the examination of such prisoner, and information of those that bring him, of the fact and circumstance thereof, and the same or as much thereof as shall be material to prove the felony, shall put in writing, within two days after the said examination, and the same shall certify in such manner and form, and at such time as they should and ought to do, if such prisoner so committed or sent to ward had been bailed or let to mainprize," and so on, and then that they "shall have authority to bind all such by recognizance or obligation as do declare anything material to prove the said manslaughter or felony against such prisoner as shall be so committed to ward, to appear at the next general gaol delivery to be holden within the county," and so on.

These, my Lords, are all the statutes upon this subject, with the exception of the modern statute of the 7 Geo. 4, c. 64, which gives the same power in cases of misdemeanor, and otherwise extends the power of magistrates.

Mr. Justice *Coleridge.*—The 7 Geo. 4 does not repeal the statute of Philip and Mary.

Mr. *Kelly.*—No, my Lord, it is additional to it, it gives certain other powers, it extends it to misdemeanors. Now, my Lords, it is under these Acts of Parliament, and these Acts of Parliament only, that magistrates have any power at all over witnesses, either to summon them, to compel their attendance, or to commit them to prison if they refuse to enter into recognizances to appear upon the trial. And I should observe, that even if it had appeared upon any authority that magistrates had the power actually to imprison, that is, to arrest a man to bring him as a witness before them, it would have been under those statutes, it would have been by Act of Parliament. Of course, if there be an Act of Parliament to arrest without any cause at all, there is an end of the argument as to the legality of the imprisonment.

imprisonment. But, my Lords, in truth it is a mistake to suppose there is any such power as that contended for. Magistrates in criminal cases are precisely in the condition that Judges are in civil cases, with the exception that they have power, which Judges have not, to commit for not entering into recognizances; their power is limited to this: they may summon a witness; if the witness fail to appear pursuant to the summons, Lord Hale thinks, and perhaps correctly, that they may commit for contempt; if he do appear, and either upon evidence which he gives, or upon evidence which he may give, it is thought that his evidence will be material at the trial, they may bind him to appear at the trial, and if he refuse to be bound over, he may be committed until he enters into his recognizance. That, my Lords, is the whole extent of the power of a magistrate; and in the case in Maule and Selwyn, which is referred to in the case cited by my learned friend, the case of Bennet *v.* Watson, in 3d Maule and Selwyn, page 1, the power which was held to exist in the magistrates under the statute was a power, not to bring the party in custody before them, but it was a power to commit even a married woman, because she could not get her husband to enter into recognizances for her appearance as a witness at the trial. But that was perhaps a very strong construction of the statute; be it so, it still is merely a construction of the statute, and it goes to this, that magistrates may compel the entering into recognizances, and in default of recognizances, it appears they may commit, so that the testimony of the party may be given; but that is in pursuance of the terms of the statute, and would put aside any question of common law; it is not a power to arrest a party to bring him as a witness.

My Lords, in regard to the powers of Judges, I need not say that the practice upon this point is familiar to all your Lordships, as it has existed from the earliest times. A subpœna issues, whether from a civil or a criminal court; if the party refuse to appear in obedience to that subpœna, he is liable to an action at the suit of the party aggrieved; or upon complaint made to the Court of his having failed to appear without sufficient cause, he may be called upon to show cause; and if he do not appear, or show no sufficient cause, he may be adjudged guilty of a contempt, and may be imprisoned for that contempt; but there is no power in a judge, as it were, to take the law into his own hands, to apprehend a subject, and bring him before the Court, to compel him to give evidence, any more than there is to force him by any species of physical torture to give evidence when actually in the witness-box. My learned friend asked if a witness were in Palace-yard while a trial was going on, a witness who had been subpœnaed, and said he would not come, is it to be doubted that the Judge would have power to compel him?

Mr. *Solicitor-general*.—I did not say so; it was thrown out by the Lord Chief Justice, whether he had the power.

Mr. *Kelly*.—I knew the expression had fallen in the course of the argument, and I thought it fell from my learned friend; I beg my learned friend's pardon for supposing he put forward that proposition.

Lord *Denman*.—The case I supposed was, that a party was regularly in Court as a witness, and thought proper to depart from the Court without giving his evidence.

Mr. *Kelly*.—I was going to observe upon that, my Lord; I cannot take upon me to raise a distinction (because it would be raising the most unsubstantial and absurd differences upon points of great public importance), whether a witness is in this Court, and so actually present, when of course the Chief Justice can call him forward, or order the tipstaff to bring him forward, if that power will apply, or whether he is outside the Court in the hall, or outside the hall in Palace-yard. I take it for granted, that if a witness is in court, there is a physical power to be actually exercised, *ex necessitate rei*, that the Judge exercises a power over the person of that witness as over all the proceedings of the Court. But when we look to the great proposition, I will not go so far as Cornwall or Cumberland, but in the case of a man in the next parish, or over the bridge, in the next county, who is subpœnaed as a witness; if a complaint be made to the Chief Justice trying the cause, that the evidence of such person is material, and that the witness has refused to come, and is in his house, I submit, with confidence, there is no power in the judge to serve his officer with a warrant to apprehend him and bring him bodily before the Court as a prisoner, in order that he may give evidence. A judge at nisi prius may, for aught I know, have the power upon the spot to enter into a question of contempt, and may, upon the non-appearance of a witness, on proof before him that he has been desired to attend, and refused to attend, and that there is no just cause for his non-attendance, I take it the House of Commons has power (and a judge at nisi prius certainly ought to) to proceed at once to consider whether the man has been guilty of a contempt, and can adjudge him guilty of a contempt, and can issue a warrant to fine or imprison him. The House of Commons cannot fine, but they may imprison him accordingly. I have no doubt that power exists; but a power to imprison a party for contempt, that contempt being his non-attendance as a witness, and non-excuse, and a power to arrest a man and bring him as a witness into Court, are two very different positions; the one power, namely, to adjudge a party guilty of a contempt and to imprison him for that contempt, exists in the House of Commons, in this Court, and in each of the superior Courts of the kingdom; while the other power not only does not exist, but there is no trace or record of it in any Court the proceedings of which are known to the law.

If therefore, my Lords, we are to judge by analogy to the superior Courts and their proceedings to compel the attendance of witnesses, there is no such power. The same with regard to proceedings by attachment. I have dealt with that point incidentally in another part of the case; no Court in Westminster Hall, no Court in the kingdom or in the world, that I know of, ever arrests a party in the first instance upon a charge of contempt. You may issue an attachment in the first instance upon a contempt found and adjudged (that is always where, in some way or another, a party has had the power of justifying himself), or you

Appendix, No. 3.
Reply.
19 Nov. 1844.
Mr. *Kelly.*

you may call upon him to show cause why he should not be adjudged in contempt, and then, if he fail to appear, convict him, and issue your warrant and imprison him; but I say, in the one case as in the other, there is no instance to be found in any Court in this kingdom of such a power or such a practice as that of arresting a person and bringing him as a witness to give evidence, or arresting and bringing a party in custody to answer to a charge. And your Lordships, upon this point, will observe a difference well recognized in Westminster Hall; although undoubtedly proceedings by way of attachment, when the attachment has once issued, are in the name of The Queen, and *quasi* criminal, they are not for many purposes put upon the same footing as criminal proceedings. There is a case to which I will refer your Lordships in a moment, in the New Reports, where a party had been inveigled and brought by some unfair means into a house, and there was served upon the spot with an attachment. The Court set aside the attachment, although it was urged that it was a criminal proceeding; that it was not like the execution of a writ by civil process, where, if there were any fraud or connivance to get the party into custody, the Court would refuse to allow the process to be executed, but that the attachment was a *quasi* criminal process, and that where the party was once arrested upon criminal process, though he was entrapped into custody, still the arrest would be good and he could not be discharged. The Court there held that though the attachment was of a criminal nature, still it was in reality founded upon a civil proceeding, and that the arrest could not be maintained or justified; and they actually set aside the writ of attachment, because the party had been entrapped into a house, where he was taken into custody.

My Lords, the analogy then is against the proposition contended for on the other side, for neither in civil cases nor in criminal ones has any superior Court, or has any magistrate, any power whatever to apprehend in custody a party, to bring him forward as a witness, nor does any power exist to apprehend and take a party into custody upon a charge merely of contempt. My Lords, I do not at this late hour propose to argue upon the expediency of such a power existing. Perhaps, if such a power were to be exercised only by this Court, it would not be unwise in the Legislature to confer such a power; that is, upon proper complaint made that a witness was somewhere within reach whose attendance was desirable at the moment, to give the Court or the Judge the power of sending for that witness and bringing him in custody to the Court. I do not say that such power would be ill placed in any Court in Westminster Hall, but I cannot help saying, if we are to look at the expediency of it, that such a power would be very ill placed in the House of Commons; and it is necessary there should be either some legal authority or some direct averment in the plea that such a power and privilege exists, to induce Courts to hold that it does exist, and to sanction it, because, with regard to the House of Commons, if the House of Commons should claim the power not to summon a party, and then upon default of appearance without just excuse to adjudge him guilty of a contempt, but at once (and that is the power contended for), without more, to send the mace or an officer, and arrest his body, and bring him in custody, in order that he may be examined as a witness, one really sees there is but a slight distinction, if any at all, a very small and invisible line of demarcation, between that and an absolute power to arrest and imprison without any cause whatever; because if any honourable and innocent man may at any moment not be called upon to attend, and then be pronounced in contempt if he fail to attend without just cause, but may at once be sent for in custody (and that is what the argument goes to, if anything), one does not see but that the House of Commons possesses a power, for any purpose or for no purpose at all, at once to arrest any and every man throughout the realm; and therefore I do feel that this is a power which, except upon some clear and decisive authority, ought not to be recognized in the House of Commons.

But, my Lords, my learned friend, in order to show that this power exists, has called your Lordships' attention to the dicta of some Judges, to the effect that the precedents in Parliament are to be regarded, and the Journals of the House of Commons are to be regarded, and then he says that entries in the Journals of the House of Commons, which he seeks and which he finds in Hatsell's Precedents, show the existence, by means of the exercise, of that power. I must trouble your Lordships, therefore, with some short reference to the precedents which my learned friend has referred to, and a few observations (and they shall be very few indeed) upon the nature and effect of these precedents.

Mr. Justice *Williams.*—They were persons charged generally, were they not?

Mr. *Kelly.*—Certainly, my Lord, they were. I believe, without carrying your Lordships through the several cases which exist, they will be found to amount to this, that they are, where parties have been adjudged in contempt, sometimes certainly without any reason assigned by my learned friend, that such and such a person is ordered to be sent for, and then by and by, on another day, it is found that he is brought to the bar of the House of Commons; and because my learned friend has found some half-score or more of precedents in which The House, without proceeding to the adjudication of a contempt having been committed, has at once sent for the party, and I believe in one instance, it is said, sent for the party in custody, and he has been brought in custody; he says this shows, by precedents, and by authorities binding upon this Court, that it is the usage and practice of Parliament, and that they have a right to arrest and bring a party in custody at once for this purpose, and therefore your Lordships are to take it as the law of the land.

Now, my Lords, I here, at the outset, beg with all humility to insist that there ought to have been upon this plea a direct averment that such was the privilege of the House of Commons, setting forth the claim of the privilege in direct and plain terms, so that we might take issue upon it or demur to it if we thought proper; because if I am told that the House of Commons allege in a plea that it is according to the usage and practice of Parliament to arrest the subjects of the Queen, and that therefore they acquire a right to it, it might as well

well be said that they have a right to put a party to death for murder. If they mean to say that they have the privilege to arrest any of the Queen's subjects upon a charge altogether unknown to him, or to bring the subject in question to the bar of the House to be examined, let them allege it; let them allege it by way of substantive averment, and then the man who feels himself aggrieved by its exercise will deny it in point of fact, or demur to it in point of law; and your Lordships will find that certainly the House of Commons were advised to be more candid and straightforward in their proceedings in the case of Stockdale *v.* Hansard, because there the right to do the act complained of was claimed in pleading, by way of direct averment. I find, besides, all the other averments, and all the usual words, "according to the usage and practice," and so forth; and these general words, which may aid in matters of form, but cannot aid in matters of substance, this direct allegation; this is in p. 7 of Stockdale *v.* Hansard, in 9th Adolphus & Ellis: "And the said defendants further say, that the said Commons House of Parliament heretofore, viz. on 31st May, in the year last aforesaid, resolved, declared, and adjudged, that the power of publishing such of its reports, votes, and proceedings as it shall deem necessary or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, more especially to the Commons House of Parliament, as the representative portion of it." Now here, my Lords, was a direct allegation of a resolution made upon which the claim of privilege was founded, and it was open to the party aggrieved in that cause, either to traverse that allegation, or, as he did, to demur to it, and to contend before the Court that no such privilege could exist by law. Here, where some undefined and general right to arrest people at their pleasure, to make them witnesses, to examine them, or upon charges of contempt, is claimed, in the earlier part of these proceedings there is no distinct averment like that which I have read to your Lordships, which would enable me, as counsel for this individual, to argue against the claim, and which would enable his legal adviser to traverse it, or to demur to it, so that your Lordships might determine upon its validity in point of law. All that is said is, that something was done according to the custom and usage of Parliament, and certain precedents are referred to, and I believe I may safely describe them all as coming within this class or character, that they are one and all instances in which the House of Commons has sent for, and sometimes sent for in custody, certain persons, and afterwards the persons have been brought before The House in order to give evidence or to be examined; and upon entries of this kind my learned friend contends that by authority, by immemorial usage, this privilege exists of arresting persons in the first instance upon a charge of attachment or to examine them as witnesses before The House.

Now, my Lords, the first observation which occurs upon these precedents is this: they are all, I believe, comprised within one very short period; the very latest of them, if I recollect, was in the time of Chas. 1; there is no one since the Revolution.

Mr. *Attorney-general*.—There are hundreds in the Journals which go later.

Mr. *Kelly*.—My Lords, I can only deal with what my learned friend has brought under your Lordships' attention. There may, for aught I know, be entries in something like the same form in the Journals in modern times.

Mr. *Solicitor-general*.—No doubt.

Mr. *Kelly*.—If there are, I should ask your Lordships to put the same construction on them which must be put upon the language which is to be found with respect to the power of the Courts to compel the attendance of witnesses. No doubt it is to be found that such a person is sent for, and then that such a person is brought before The House, or appears before The House; but whether that is in pursuance of an undeterminate privilege to arrest at once upon a charge, or to arrest in order to examine, is yet matter of argument. Certainly, my Lords, the instances which my learned friend has adduced are none, I believe, earlier than the reign of James the First.

Mr. *Solicitor-general*.—Henry the Eighth.

Mr. *Kelly*.—Henry the Eighth, is it? Certainly a reign to be preferred as authority for something against liberty! Be it so; Henry the Eighth, and then James the First and Charles the First. But, my Lords, what are these precedents worth? If it had been averred, and it might have been, and then admitted upon the record, that from time immemorial it was the course of usage and the privilege of the House of Commons thus to arrest persons under such circumstances as are stated in this plea; if that had been averred, we might have traversed it, or we might have demurred to it, and then instances might have been given; but, my Lords, when I find nothing more is cited than precedents, I do venture to say that if, upon half a dozen or a dozen instances, ambiguous in point of language, your Lordships are to find that this new power to arrest, claimed by the House of Commons, exists by law, I know no extravagance, no injustice, no tyranny, which might not likewise be legalized by a decision of this kind upon precisely the same grounds,—that instances of its exercise or its infraction are to be found in the Journals of the House of Commons, or in the precedents in Mr. Hatsell's book.

Mr. *Solicitor-general*.—Which are from the Journals.

Mr. *Kelly*.—Which are from the Journals, I admit. Now your Lordships find in the very same book of Hatsell, and at much about the same time as the precedents cited by my learned friend, this entry, in page 161, relating to the end of the Parliament of 1628: "On the 4th of June 1621 the House is informed of Johnson, Sir James Whitlock's man, being arrested. The parties are immediately called to the bar, and heard on their knees in their defence, and after a variety of propositions made for several degrees of punishment, it is ordered upon the question, that they shall both ride upon one horse barebacked, back to back, from Westminster to the Exchange, with papers on their breasts, with this inscription, "For arresting a servant to a Member of the Commons House of Parliament;" and this

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly.*

this to be done presently, *sedente curia.* And this their judgment was pronounced by Mr Speaker to them at the bar accordingly. This very new and extraordinary punishment was awarded, notwithstanding it appears from the Journal and the Parliamentary Proceedings that both these parties had acknowledged their fault, and craved forgiveness of the House and of Sir James Whitlock." So that here is the case of the arrest of a Member of Parliament's servant; and if at this day we are to look to precedents, if upon the vague allegations in this plea of something or other having been done, or warrants having been issued, according to the usage and custom of Parliament, the privilege to arrest under such circumstances is to be claimed as part of the law of the land upon precedents, if any two parties were to be placed back to back upon a horse, and sent from Westminster Hall to the Royal Exchange because they had done some injury, even if it were an injury, to a servant of a Member of the House of Commons, precedents might just as well be cited in justification of such a proceeding.

Mr. Justice *Wightman.*—What volume of Hatsell do you cite from?

Mr. *Kelly.*—I have been citing from the first volume of Hatsell, my Lord, chapter 3, page 161, "End of the Parliament of 1628." I find there is another entry in page 187, which is the last with which I trouble your Lordships from Hatsell: "On the 12th of February 1620, Mr. Lovell complains that one Dayrell had threatened his person; he is ordered to be sent for by the Serjeant; the same day he is brought to the bar: but denying that he spake the words charged upon him, he is ordered to attend again the next day with his witnesses; he accordingly attends on the 13th, but one of his witnesses being a woman, Mr. Crewe and Sir Edward Coke oppose her being called in, very greatly objecting, on the authority of St. Bernard, that a woman ought not to speak in the congregation." A committee is therefore appointed to go out and examine her at the door, and Sir Edward Gyles reports the examination, and Dayrell is ordered to be committed to the Serjeant, and then to come and acknowledge his fault, which if he does not do, then to be committed to the Tower.

Now, my Lords, really there is nothing however tyrannical, there is nothing however ludicrous and absurd, which is not to be justified by precedent after precedent, if the mere Journals of the House of Commons are to be taken as proof in support of a right of this nature. My Lords, I apprehend that in order to establish a right in a manner unknown to the common law, under a warrant, in a form repugnant to every principle of the common law, to arrest the Queen's subjects, there must be some distinct and positive allegation in the pleading, and there must be, in support of that allegation, if it be demurred to, an allegation that the privilege exists, and that it has existed from time immemorial. There must be something to show the exercise of that privilege, sanctioned by the Courts of Law in Westminster Hall; if we find that the power of the House to commit for contempt has been questioned over and over again, and though recognized and sanctioned by courts of law (but even that has been denied) where it has been admitted, subject to the qualification that if the nature of the contempt be stated, and that is repugnant to the principles of law, even then a court of law may inquire whether the privilege be lawful or not, and hold that it is invalid. If we find that even in cases of conviction for a contempt, that is the law of the land, surely we must look for some authority to show that where there has been no conviction at all, but a mere charge, which may operate upon an innocent man, the apprehending him in custody, to bring him as a witness, is to be held lawful in a court of law as the practice and usage of an immemorial privilege of the House of Commons.

But, my Lords, one word more upon those precedents, in conclusion, and with reference to a case which, to my inexpressible astonishment, I heard quoted by my learned friend the Solicitor-general, as an authority in the law of England, that authority being a dictum of a very learned Judge. The case to which I alluded which he has quoted as an instance of the exercise, sanctioned by law, of privileges of the House of Commons, is the case of Jay *v.* Topham, as it appears, referred to in the 12th volume of State Trials, page 882.

Mr. *Solicitor-general.*—My learned friend must have misunderstood me; I am sure he would not misrepresent me intentionally. I did not quote that case at an autherity for the assertion of the privileges of the House of Commons; I quoted it for what was said by Sir Francis Pemberton and Sir Thomas Jones, with regard to the plea in bar, that the order of the House of Commons had been pleaded in bar in that action.

Mr. *Kelly.*—Then, my Lords, so far as my learned friend is supposed to have referred to this case as an authority for the privileges of the House of Commons, I will assume that I am mistaken: so far as it is referred to as an authority for the law declared by the Judges, Sir Francis Pemberton and Sir Thomas Jones, I will make an observation or two upon it. But, my Lords, I must take leave to refer to the case, in order that your Lordships may see the value to be attached to these words, that a person is brought in by order of the House, or sent for by order of the House, and that such an order has been acted upon; because, if my learned friend did not refer to this case as a precedent for bringing a person in custody before the House, he referred to cases, or precedents rather, in Hatsell, in which the same language is to be found, that a person is brought (which of course imports brought in custody) before the House of Commons.

Now, my Lords, let us see what this proceeding was: "Mr. Topham, Serjeant, attending the House of Commons, having by his petition complained that he had been a great sufferer by several prosecutions at law for executing the orders of the House, and that having pleaded these orders to the jurisdiction of the Court of King's Bench, his pleas had not been allowed, but judgment was given against him, the House referred the examination and consideration of this matter to the Committee of Privileges. Accordingly the Committee met, and examined the matter. 'July 6. 1 William and Mary. Colonel Byrch reported the fact as it appeared to the Committee, with the opinion of the Committee thereupon, with which

which the House agreed in these words: Resolved, That The House doth agree with the Committee, that the judgment given by the Court of King's Bench in Easter Term, 34 Car. 2 Regis, upon the plea of John Topham (at the suit of John Jay) to the jurisdiction of that Court; and also the judgments given against the said Mr. Topham at the suit of Samuel Verdon, John Hilliard,'—and several others that are named—'are illegal, and a violation of the privileges of Parliament, and pernicious to the rights of Parliament.'"

Now, my Lords, I will pause here for a moment, because I find the language of the Resolutions and of the proceedings of the House of Commons quoted as authority to show that whatever they had done was therefore within their privilege, and that therefore that privilege was lawful. Here we begin with this case, to which, at least for one purpose, my learned friend has referred, by finding that if the question now were, whether by the law of the land a judgment of this Court could be impeached, and could be deemed a breach of privilege, and certainly as the privilege of Parliament is part and parcel of the law of the land, therefore a breach of the law of the land, by a Resolution of the House of Commons; if the question were, whether a judgment of this Court, regularly delivered in the course of its judicial proceedings according to law, could be deemed a breach of privilege, and could be deemed an unlawful act, because the House of Commons had declared it to be so. My learned friend might just as well have regarded it as authority to show, and have contended before your Lordships, that such a judgment was unlawful; that the House of Commons was justified, and that your Lordships were wrong, and guilty of a violation of the law, as to have cited those precedents in Hatsell to show that the House of Commons possesses the power to arrest a man guilty of no offence, only upon a charge of contempt, not itself a crime, or, still less, suspected of no offence, but merely arrested because he is ordered to attend as a witness. However, we find what precedents are in the books, and what the House of Commons, in its view of the law of England, resolves to be parcel of that law.

It is then stated, "The House being informed that Sir Francis Pemberton and Sir Thomas Jones were Judges of the King's Bench at that time, ordered them to attend upon Wednesday next following." Then, "July 10, 1689, The House being informed that Sir Francis Pemberton and Sir Thomas Jones attended pursuant to the order of The House." Now, I pray your Lordships' attention to the language of this warrant of the House of Commons, because it is just the same, *in totidem verbis*, as that upon which my learned friend relies for the right in the House of Commons to imprison persons for the purpose of examining them. "Sir Francis Pemberton was first brought in." Here then is a case, not only in which the House of Commons sits in judgment upon this Court, and the Judges of this Court, for a judgment pronounced by them in the discharge of their duty here, but actually the Judges are brought in; and if the precedents referred to mean anything, if "sent for" means a power to send for in custody and arrest, "brought in" must mean brought in in custody, for no one can be brought in who is not in custody of the person bringing him. Here is an authority that these Judges are sent for, and that they are brought in, which must import, if precedents are worth anything, brought in in custody, in order to answer for the judgments they have delivered in this Court. Then Mr. Speaker addresses Sir Francis Pemberton, and tells him, after alluding to the case, "So The House has sent for you." Here again is the expression of my learned friend pervading all these precedents, "sent for." He says, here are a hundred precedents to show that the House of Commons has power to send for and bring anybody in custody of the Mace formerly, the Serjeant-at-Arms. Now "The House has sent for you," and he was brought to the bar of the House, "to know upon what ground you did it.—Sir *Francis Pemberton*. Sir, I know nothing of this action I have been out of the Court now six years this vacation. If I saw the pleadings, it may be I might give you some account of it; but I cannot remember so many thousand actions as were brought at that time; but if you will let me know what the charge is, I do not doubt but I can give you a good account of it. You say, Sir, he pleaded the jurisdiction of this House.—Mr. *Speaker*. That is, there was a plea to the jurisdiction of the Court of King's Bench; that it was done by order of this House, and so it concerned the jurisdiction of this House." And then Sir Francis Pemberton says, "This is quite new to me, for I knew not what I was sent for: you were pleased to summon me to attend, but I did not know for what, nor do I remember any such action brought by Jay. I remember only an action was brought by Verdon against Topham; and I remember there was a motion made to us for a new trial, in the case where there was 500 *l.* damages given, and we did give them a new trial, for we thought it monstrous and unreasonable damages." Then there is a conversation between the Speaker and Sir Francis Pemberton; and Sir Francis at last says, "I think, with submission, I can satisfy you that such a plea ought to be overruled; and I take it the law is very clear as to this; but as to what is laid to my charge with respect to this particular action, if you please to give me time to look into the records of the Court.—Mr. *Speaker*. The House will consider of it if you please to withdraw, and then give you their resolution. Sir Francis Pemberton withdrew." Then Sir Thomas Jones is brought in, and the same sort of proceeding takes place with respect to him; and finally Sir Francis Pemberton is brought in again: he prays time to refer to the case and assist his recollection, and another day is appointed for him to attend.

Now, my Lords, I certainly do venture to express my astonishment that my learned friend should have referred to anything which fell from a judge in the degrading and degraded condition of this gentleman, Sir Francis Pemberton, as authority in the law of England. Why here is a case in which, under the claim of privilege and power by the House of Commons, the Lord Chief Justice of the Court of Queen's Bench, and another learned and eminent judge of that Court——

Mr. *Solicitor-general*.—Not then.

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly*.

Mr. *Kelly*.—No, not then, but they had been Judges; and what can it signify whether they had ceased to be Judges or not? Is the Lord Chief Justice of this Court, if he should retire from his high office in the decline of life, to be dragged forward in this manner to answer for a judgment which he has given here? They were not Judges then; but I say it was the Lord Chief Justice and another Judge of this Court who were brought to the bar of the House of Commons, and there, under the claim of privilege by The House, which is to be found accompanied with all that tends to confer authority, just as much as any privilege claimed in this action. The Lord Chief Justice pleads an apology as a suppliant for the judgment which he has delivered while presiding in this Court; and it appears that after time being given to him, he is brought forward again, and then with the weight of the mace hanging over his head, he is made to give an account of the judgment which he has delivered. He, I lament to say, degrades himself so far as to give that account which must be looked at as a justification and apology, and it is the language in which he offers that apology under these most degrading and humiliating circumstances, that the Solicitor-general at this day cites as law before your Lordships. Why it is clear the man was in the situation of a slave; he dared not speak what he felt to be the law. Even when he is referring to the well-known absence of all power on the part of the House of Commons to administer an oath, he cannot refer to it in express terms; but he puts it thus: "I never heard this honourable Court did condescend so far as to give any oath." He does not say you have no power to administer an oath, and therefore you have no power to do justice to a subject of the King, who has complained against one who has imprisoned him, and it must therefore be the course of the common law to give justice in this case.

Lord *Denman*.—The persons who were brought before the House of Commons were not judges at that time, and were not giving any judicial opinion; and I think we may well doubt whether all that fell from them is very accurately reported. I do not know what reports it comes from.

Mr. *Kelly*.—This, my Lord, is in Howell's State Trials.

Lord *Denman*.—I suppose it is taken as an admission that there is a power in the House of Commons to the extent of their privileges in that very case, which was a most flagrant abuse of that privilege.

Mr. *Kelly*.—I am obliged, I am sure, with very great reluctance, to refer to this case, but when I find my learned friend citing what fell from these judges as authority in support of the power of the House of Commons, I cannot but say that it is a case which ought not to have been referred to for such a purpose. We find, certainly, as my learned friend has stated, that one of the judges says, "Therefore, I thought that the high authority and high nature of this Court could not exempt the King's Bench, being a court of law, to examine whether what was alleged to be done was done in pursuance of your authority or not;" and then he goes on to say, "Then I did consider with myself that if this plea should be overruled, the defendant was at no prejudice, for the same matter might be pleaded by way of bar." And here is what my learned friend relies upon, and it would have been admitted a good bar, if true, and he could have no manner of prejudice that I know of by pleading as the Court directs: "We did not question the legality of your orders nor the power of them, but the great business was, whether we had pursued this order of the House of Commons."

Now, my Lords, if that order was an order of commitment for a contempt found, there is no doubt this is perfectly good law, but my learned friend need not have adverted to this case to prove it—it is admitted—it has always been admitted by me—it is the result of the very judgment in Burdett *v.* Abbott, and in Stockdale *v.* Hansard, and of every judgment which has fallen from this Court. But if it went to show (I will not weary or disgust your Lordships by reading through the pages of this proceeding) what undoubtedly these unfortunate judges do appear then to have said, that by law, whatever the House of Commons declares to be its privilege, and whatever it orders, must be lawful; if it be cited for that purpose, I say it is directly in contradiction to the case of Stockdale *v.* Hansard, and is repugnant to the very first principles of the law of England.

My Lords, I dismiss this case by reading to your Lordships the resolutions which the House of Commons came to after thus examining the judges, and after the apologies which were rendered by the judges upon this occasion, because, if we are to take the resolutions of the House of Commons as found here and upon the Journals, if we are to take the acts of the House of Commons, particularly in imprisoning the subject, as lawful because they have done those acts, then this proceeding would be lawful, and your Lordships might either now, while in office, or after your retirement from the high stations which you fill, be dragged to the House of Commons in custody, and be called upon to explain and apologize for the judgment which you had given here. If this be unlawful, and no man will venture now to say that it is not, what are precedents worth, what are those loose words, "sent for," "brought in custody," "brought in by the sergeant-at-arms," which are to be found in Hatsell, in the cases cited by my learned friend, worth? If they be worth anything for one purpose, to justify the imprisonment complained of in this action, it must be equally so in the case which I am putting to your Lordships. My Lords, after these judges have both of them in a humble tone, which we can hardly with patience consider of for a moment, entered into the reasons for their judgment, and given abundant reasons why they were called upon, and could not, without a violation of their oaths, and a dereliction of their duty, have failed to pronounce the judgment which they did, the House of Commons proceeds in this way: "Then Sir Thomas Jones withdrew, and the House after a debate resolved, that Sir Francis Pemberton giving judgment to overrule the plea to the jurisdiction of the Court of King's Bench;" excellent lawyers, to resolve that a plea to the jurisdiction of the Court of King's Bench was bad in this case. But however, "that Sir Thomas Pemberton giving judgment

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to overrule the plea to the jurisdiction of the Court of King's Bench, in the case between Jay and Topham, had broken the privileges of The House;" and also resolved "that Sir Thomas Jones," and then there is the same language that this judgment "had broken the privileges of the House," that is to say, for declaring what every pupil of six months' studies would know to be the law of the land, which no one could doubt to be the law of the land, which they were bound by their oaths to declare, for declaring that to be the law, it is said not to be the law, and they are adjudged guilty of a breach of privilege; and then see what follows, which concludes this case cited by my learned friend. "And by order of The House, both Sir Francis Pemberton and Sir Thomas Jones were taken into custody for the said breach of privilege, and lay till there came a prorogation."

My Lords, this would accordingly show that in the worst times, and when there were either the most timid or the most corrupt of judges administering or pretending to administer justice in Westminster Hall, there was something like a judicial decision or a dictum, which any one taking upon himself such an office had reported and had so sent down to posterity, showing that such a power as this, to arrest under a warrant assigning no cause, could be claimed as a privilege by the House of Commons.

Lord *Denman*.—It is not only to arrest under a warrant, but to extort 30 *l*. from the plaintiff.

Mr. *Kelly*.—It was so, my Lord, in the case there. Of course, if there was anything of that kind, the conduct of the House of Commons would be less justifiable; and so I say here, there is just the same absence of authority in the House of Commons, or in any other tribunal, to arrest a man in this kingdom under a warrant setting forth no cause as to arrest, and imprison till a fine shall be paid. It happens to be more notorious that the House of Commons cannot fine——

Lord *Denman*.—What I mean is, that the case of Jay *v*. Topham was a case where the plaintiff complained that he was imprisoned by the Serjeant-at-Arms, and a fine of 30 *l*. was extorted from him. Then it was pleaded that the privilege was a protection to the Serjeant-at-Arms, and it was for disallowing that plea as a justification that these two persons were sent to prison. That is the substance of it.

Mr. *Kelly*.—It is so, my Lord; but there it stands as an authority and a precedent, and if the House of Commons have done what the House of Commons have resolved, and what they have claimed as their privilege; if your Lordships are called upon now to determine the validity of this warrant, and it is sought to be made out to be valid, because the House of Commons are supposed, if this record does sufficiently allege it, to claim the right to arrest under such a warrant, I do not understand why it is not just as repugnant to every principle of law that the House of Commons should claim to imprison any man in this kingdom under a warrant setting out no cause, and alluding to no cause, as that they should pronounce it a breach of privilege and a violation of the law for the Judges of the Queen's Bench to administer the law, if declaring it rightly and properly in their own Court.

I use this case to show the utter valuenessness of mere entries, to be found in Hatsell, or in the Journals of the House of Commons, when we find that their proceedings or privileges have ever been the subject of judicial discussion; when we find even the dictum of the Judges in Burdett *v*. Abbot, and Stockdale *v*. Hansard, in which all the Judges advert to their privilege from arrest, their privilege of speech, and their privilege of sending (and I use the term, though not quite in the sense of my learned friend), for persons, papers, and records; when we find all this allowed and admitted by judges, I agree that goes to show that those are their privileges, but when a privilege is claimed to arrest and imprison, merely by virtue of a warrant which could not emanate from any court of law in the kingdom, which is unknown in form to the law, which is in such a form, that unless sanctioned by such claim of privilege it must be held to be void, because it assigns no cause, if we find that they have claimed a privilege upon this record to arrest by virtue of such a warrant, I submit that they must show something stronger than their own precedents to legalize such a claim.

My Lords, I do not know that it will be at all necessary for me to refer to any more of the authorities which my learned friend has mentioned. There is, however, one to which he adverted to-day; and again I must express my surprise that it should have been quoted as an authority in favour of any proposition for which my learned friend contends. I allude to George Goff's case, in 3d Maule & Selwyn, page 203. That was a case in which a complaint had been made, under the statute of the 25th of George 3, chap. 41, against the collector of rates for the parish of Richmond, who had refused to account. The warrant upon which he appears to have been apprehended is stated to have been issued upon complaint made against him, "for that he, having been duly appointed collector of the rates for the parish of Richmond, pursuant to statute 25 George 3, chap. 41, refused to account and pay over the monies collected by him by virtue of the Act to W. S., the person duly authorized to receive them, and the justices adjudged that he should be committed to the gaol, there to remain, without bail or mainprize, until he should have made a true and fair account," and so forth. My Lords, that warrant was impeached; it was held good; and Lord Ellenborough says, "If there was any uncertainty on the face of the commitment I should have agreed with the argument; but, coupling the premises with the conclusion, is it not in effect the same as if the warrant had directed the gaoler to detain the party until he had accounted? We must read the warrant as if the magistrate had in the conclusion recited over again the adjudication."

My Lords, if this be cited to show merely that the warrant in question may be taken to have embodied in the concluding part the matter recited in the earlier part of it,

Appendix, No. 3.

Reply.
19 Nov. 1844.

Mr. *Kelly.*

it, it is not an authority to that extent. But I will not waste a moment in considering whether it has this effect or not, because, if the whole that is to be found in the recital as well as any other part of the warrant be taken together, there is no cause assigned for the imprisonment. But if it is considered as an authority as to the form of the warrant (and it was in that part of the argument that my learned friend referred to it), I can only say it is a very clear and direct authority that upon this warrant the Court, in order to determine its validity, looked to whether the matter which was required by the statute, that is, the offence of which the party had been convicted under the statute, was sufficiently stated. They held that it was, that the direction to the officer was sufficient, and so they held the warrant good. What authority that is in favour of a warrant which does not direct in any way the party to be taken at any time to any place, and which does not specify any cause at all, I do not know.

And, my Lords, with regard to a doubt which seems for a moment to have presented itself to Mr. Justice Coleridge, as to an action being maintained for an arrest under a warrant of commitment. Where the conviction is good, the case of Wickes *v.* Clutterbuck, which has already occurred to his Lordship's mind, is quite decisive upon the subject. That case, which is in 2d Bingham, page 483, was to this effect: " If a warrant of commitment does not show an offence over which the magistrate who issued it has jurisdiction, an action lies against him for the commitment, although there might have been a previous regular conviction ;" and Lord Chief Justice Best says, " I am of opinion that the warrant of commitment in this case is bad." I am sure I need not say that the Lord Chief Justice, to whose judgment I now refer, was certainly not ever prone to consider the cases of magistrates with any undue severity, yet we find that Judge saying, " I am of opinion that the warrant of commitment in this case is bad. It is not necessary, therefore, to consider the warrant of apprehension, the conviction, or any other proceeding previous to the warrant of commitment. It contains in it nothing which gives the magistrate any jurisdiction, much less any cause for fine or commitment. The warrant states, that the plaintiff was duly convicted before the defendant for fishing with a rod ;" and then he goes to point out in what respects that warrant was defective. Then he says, " But it has been said, that the law does not require the offence to be stated in the commitment. It is not, perhaps, necessary that the offence should be stated with the same precision in the warrant of commitment as in the conviction, but enough should be stated to show an authority to imprison without such a statement; the officer cannot arrest." My Lords, I use this for every purpose, as applied to the present case. It is only one, among a great multiplicity of authorities, to show that any warrant, I care not whence, or from whom, or under what circumstances it emanates, any and every warrant by which a man is to be abridged of his liberty for a moment, must state the cause, and I deny that there is any approach to an exception to be found on any legal authority. The learned Chief Justice says, " Without such a statement, the officer cannot arrest; a man is not to be deprived of his liberty by a warrant which only shows that he has committed a trespass." Then he goes to point out the matter on which it is defective there. He then refers to Hawkins, in his Pleas of the Crown, who says, " that the offence ought to be set forth with convenient certainty, otherwise the officer is not punishable for suffering the party to escape, and the Court before whom he is brought by habeas corpus ought to discharge or bail him."

I hope your Lordships will not think me unduly repeating what I have before urged, when I say it appears clear, that whenever the mind of any judge of learning and experience is directed to a question of this nature, he applies to it, in his own mind, as the learned Judge does here, in the language in which he delivers his judgment, the very tests which I have submitted as infallible tests, determining the present case. He says, first, the matter must be stated in the warrant. Why ? That the party may know whether he is to resist or yield. Why ? In order that the officer may determine what he will do with him. But, again, and paramount to all, because the party must know how to obtain relief upon habeas corpus, that if there be no sufficient offence, he may be delivered ; if it be doubtful, he may be bailed. All these things occur to every legal or judicial mind whenever any question upon a warrant or a mandate of any kind whatsoever arises.

The Chief Justice then says, " A man cannot be legally imprisoned whom it is the duty of a Court to discharge, and who may escape with impunity : such imperfect warrants provoke resistance to the officers who are charged to execute them." There is so much, my Lords, in this judgment pertinent to the present case, that I rather rejoice that from any cause I have been induced to bring it under your Lordships' attention. Then he says, " Another point has been made, namely, that the officer executing the warrant, who is not to blame, is liable to an action, but not the magistrate, who is. In trespass all are principals, and if an order be unlawful, he who gives it is as much responsible as he who executes it." We have it, then, very clearly laid down here ; indeed, such is the principle of the common law, that when a man is imprisoned, and trespass is committed, the magistrate, or any other authority who directs the officer who executes, and all who are concerned, are principals. If it be under a warrant, that warrant must show a justifiable cause for the imprisonment, or the warrant is bad ; and this is one in addition to other authorities, to show that it is by that warrant the party must stand or fall, and that even where there is a good cause behind, as there was here a good conviction, you cannot refer to that cause; a good conviction will not justify an arrest under a bad warrant.

My Lords, the same doctrine is to be found in a later case, referred to by my learned friend in 1st Crompton, Meeson and Roscoe. It will not be found that that case at all conflicts with Wickes *v.* Clutterbuck ; the only difference there is, that that decision took place after the Act of Parliament passed which justifies the arrest of a man under a warrant, though

though the warrant may be defective, if there be a good conviction, which will justify the arrest. That statute, I need not say, does not refer to the House of Commons; that decision, therefore, has no bearing upon the present question.

My Lords, with regard to the points of form to which my learned friend has adverted, I do not feel that I should be justified in adding anything to what I stated at the opening. I do not abandon these points; they are submitted to your Lordships for consideration; and I shall therefore at once conclude upon the great points of the case. My Lords, undoubtedly the question whether the House of Commons have power to arrest at all upon a mere charge of contempt, or have power to arrest, in order to bring a witness before them in custody, both are questions of very high and transcendent importance. I only observe upon them that here the right to do so is now claimed for the first time; and I trust your Lordships will not give effect to a right or privilege in any tribunal, or in any body of men, to abridge the subject of his personal liberty, without clear and direct authority for doing so, without an authority equal to the authority against it, namely, the authority of Magna Charta itself. But my Lords, even these questions as to the right of the House of Commons, which I consider as not sufficiently raised upon these pleadings, to call upon your Lordships to determine them, are of inferior importance to the first and great question which is urged upon your Lordships' attention, and that is, whether any man or any Court, or the Sovereign, can have power to arrest an English subject upon a warrant setting forth no cause at all; my Lords, that is the question upon which mainly and principally I pray your Lordships' judgment. The authorities are now before the Court, the reasons which have been urged upon the one side and upon the other, have been submitted to your Lordships. I repeat, that from Magna Charta downwards, I can find no authority to legalize such an arrest; I can find nothing tending to support the form of such a warrant, and I do trust that your Lordships will not hold that either the House of Commons, or any body of persons, or any tribunal in this realm, can now create or assume, by means of any privilege founded upon this record, a power unknown to the law, and beyond the law, to arrest and imprison the people of this country without cause for that arrest.

Their Lordships consulted together.

Lord *Denman*.—We shall take time to consider this case; we do not think it right to say anything upon it on the present occasion.

JUDGMENT.

Thursday, 15 *May* 1845.

Mr. Justice *Wightman*:—I am of opinion that the plaintiff is entitled to judgment upon the demurrer to the pleas; and I come to this conclusion for reasons which involve no question as to the privileges of the House of Commons, but depend entirely upon the form of the warrant, and the mode in which it is pleaded as a justification.

The declaration charges the defendant with seizing the plaintiff, and compelling him to go along a passage to a room, and afterwards along another passage to another room, and there imprisoning the plaintiff; and then compelling him to return to the first-mentioned room, and there still keeping him in prison.

To this *primâ facie* trespass the defendant pleads four pleas, each setting up in substance the same justification; that the House of Commons, in order to compel the attendance of the plaintiff before them, made an order that the plaintiff should be sent for and brought before them in custody of the Serjeant-at-Arms, and that the Speaker should issue his warrant accordingly; that the Speaker did, in pursuance of such order, and according to the usages and privileges of the House of Commons, in order that the plaintiff might be brought in custody before the House, by his warrant, reciting that the House had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, require and authorize the defendant (being Serjeant-at-Arms) to take into custody the body of the plaintiff; and that by virtue of this warrant the defendant did arrest the plaintiff, and did, in order to bring him before the House in obedience to the warrant, force the plaintiff to go along the passages and into the said rooms, and imprison him there, as mentioned in the declaration.

To these pleas there is a demurrer, stating, amongst several other causes, that the warrant does not show why or wherefore the plaintiff was to be apprehended.

It is to be observed that the defendant justifies under the warrant of the Speaker, and under nothing else. He does not justify under the order of the House, nor under the order and the warrant taken together, but under the warrant solely; what he did, he says, was in execution of, and in obedience to the said warrant.

Admitting, then, the privileges of the House, and the validity of their order to the fullest extent, will the warrant, as stated in the plea, justify the defendant in doing that which, upon the face of the plea, he admits he did?

The warrant, reciting an order of the House that the plaintiff should be brought before them in the custody of the Serjeant-at-Arms, directs the defendant to take the plaintiff into custody; and there it stops. It does not direct the defendant to bring him before the House, or to take him into custody in pursuance of the order, or that he may be dealt with according to the order; but simply directs the defendant to take the plaintiff into custody. It has no conclusion stating why he is to be taken into custody, nor what is to be done with him when taken, nor how long he is to be kept.

Appendix, No. 3.

Judgment.
15 May 1845.

Mr.
Justice *Wightman.*

Under this warrant the defendant justifies not only the taking of the plaintiff into custody, but the taking him first to one place and then to another place, and keeping him there in order to take him before the House of Commons, which he was not directed to do by the warrant.

The plea states the order of the House to have been made according to the usage and privilege of Parliament, and that the Speaker was, according to such usage and privilege, directed to issue his warrant accordingly; and that the Speaker did, according to such usage and privilege, in order that the plaintiff might be brought before the House, direct by his warrant that the defendant should take him into custody; but the plea does not state that, by usage or privilege, a warrant to take the plaintiff into custody merely, was a warrant not only to take him into custody, but to bring him before the House, and to do all that was necessary for that purpose.

Was the defendant, then, at liberty to do more than he was expressly directed by the warrant to do, because he would see, by the recital of the order, that it required more to be done to fulfil it than was authorized or required by the warrant itself? Or is the warrant to be construed as directing the defendant not merely to take the plaintiff into custody, but to bring him before the House, and to do all that might be necessary for that purpose?

The terms of the warrant are precise as to the duty of the defendant; and independently of some usage or privilege the existence of which is not shown, there is no authority of which I am aware to warrant the addition, by implication or intendment, of a much greater power of disposing of the person of the plaintiff than is contained in the directions given in unambiguous terms to the defendant.

Several cases were cited, in which warrants of the Speaker, in pursuance of orders of the House of Commons, were set out at length; and in all of them the warrants were in terms fulfilling the orders of the House.

In Sir Francis Burdett's case, reported in 14th East, the warrant of the Speaker recited the order of the House that Sir Francis Burdett should be committed to the Tower of London, and required the Serjeant-at-Arms "to take into his custody the body of the said Sir Francis Burdett, and forthwith deliver him into the custody of the Lieutenant of the Tower of London." These latter words would have been quite superfluous, if a direction and authority to the Serjeant-at-Arms to take Sir Francis into custody, without more, would have warranted his not only taking him into custody, but carrying him to the Tower of London.

In the case of the Sheriff of Middlesex, which arose out of that of Stockdale *v.* Hansard, and is reported in 11th Adolphus & Ellis 273, the warrant of the Speaker, after reciting the order of the House, required the Serjeant-at-Arms to take the two sheriffs into his custody, and to keep them during the pleasure of the House.

In both these cases, as well as in all others of which I am aware, the warrant of the Speaker gave to the Serjeant-at-Arms express authority to do all that he did in obedience to it.

The case of Goff, reported in 3 Maule & Selwyn, 203, was cited for the defendant to show that the express authority given by the warrant might be extended by the recital of the order; but that case is very distinguishable from the present. That was a commitment to the gaoler to keep the prisoner until he should be discharged by due course of law; and it was objected, that as the commitment was not for a crime, some period for which he was to be detained should have been stated. The commitment recited an adjudication that he should be committed until he had rendered an account; and it was held that, coupling the conclusion of the warrant with the recital, the time for which he was to be kept sufficiently appeared, and the conclusion until discharged by due course of law, was explained by the recital.

It is, besides, to be observed that the express terms of the warrant in that case authorized the gaoler to do all that he actually did, namely, to keep the prisoner in his custody; but here the express terms of the warrant do not authorize the defendant to take the plaintiff before the House or to any particular place; and it is proposed to use the recital, not to explain, but to give additional authority to the defendant beyond that which is given in express and definite terms.

It was also contended for the defendant, that any defects in the warrant were supplied by the averment in the plea, that the warrant was made "in pursuance of, and according to the usages and privileges of the House of Commons." This may be so, and the warrant, as far as it goes, may be in accordance with the usages and privileges of the House of Commons; but the averment does not include that which the defendant did beyond the authority given by the warrant, and will not remove the objection taken to the justification.

It is quite unnecessary to consider whether the defendant could or could not have justified under the order and the warrant together, by the introduction of other averments in his pleas; for he has justified under the warrant only. Whether it was by mistake or intentionally that the warrant was drawn in the form in which it is, it is not now very material to inquire. The form is unusual, and, as it seems to me, imperfect; and without at all questioning the privileges of the House of Commons, I am of opinion that the warrant will not support the justification: and though the objection upon which I form my opinion may perhaps appear technical and formal, it is in reality very important, as it is founded upon the principle, that an authority giving the right to seize or restrain the person of another, must be strictly pursued, and that defects in the express authority given to a ministerial officer to arrest, cannot, when the terms are otherwise clear and precise, be supplied by intendment. I therefore think that the plaintiff is entitled to the judgment.

Mr

Mr. Justice *Coleridge*:—It is unnecessary for me, after the judgment of my brother Wightman, to repeat the statement of the record.

It appears to me that the questions which arise on this demurrer are five: 1st, Is the warrant stated in the pleas sufficient, if examined on ordinary principles, and without reference to its having been ordered by the Speaker in obedience to the order of the House of Commons? 2dly, If not, does that circumstance vary the principle on which it is to be tried, so as to make it sufficient? 3dly, If not, are its defects such as prevent it from being a justification to the defendant, an officer of the House, bound, it may be said, to obey it? 4thly, If so, may this be helped by the facts stated in the pleas, showing under what circumstances the warrant issued? 5thly, If so, are those facts, as stated in any one of the pleas, sufficient for the purpose?

The statement of the warrant, which is the same in all the pleas, is this; that, after reciting that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, it did require and authorize the Serjeant-at-Arms then attending the said House of Commons to take into custody the body of the said plaintiff. The warrant, therefore, discloses that the Speaker issued, in pursuance of the order of the House to send for the plaintiff in custody, a command to the defendant to take him into custody; but it does not disclose that the party was charged with any offence, or had been convicted of any; still less does it show the nature of the offence; neither does it expressly direct the Serjeant-at-Arms where to take the body of the plaintiff, or how long to detain him. If for the House of Commons in this warrant, you substitute any other authority known to the constitution, it is quite clear that this warrant would be bad. The party sought to be arrested under it might have lawfully resisted, or if arrested, would be discharged upon the return of such warrant to a writ of Habeas Corpus.

It would be a waste of time to enlarge upon this point, and I will only refer to the Petition of Right, in 3d Ch. 1, sec. 5 & 10; Lord Coke's Commentary on Magna Charta, cap. 29, pages 52 and 53; and Lord Hale's Pleas of the Crown, vol. 2, pages 122 and 123. This last the rather, because, although he is inclined in some measure to qualify the strong language of Lord Coke, yet the utmost latitude which he will allow is, "That there must be a tolerable certainty in the body of the warrant for what it is, as for felony generally, though the particular is best to be expressed."

But secondly, as this warrant issues by the authority of the House of Commons, it may be answered, 1st, That as to the cause of arrest it is sufficiently stated, for the order is stated, and the order of The House is sufficient cause: 2dly, That if that were not so, still the warrants of The House are not to be dealt with as the warrants of ordinary magistrates, and that the form here adopted is sufficient: 3dly, That the plea avers and the demurrer admits this warrant to be issued in the form authorised by the law and usage of Parliament; which must conclude against all objections.

The first of these answers, which however applies only to the omission of a statement of the cause of arrest, is founded on the supposed authority of The House, and involves this proposition, that The House may order its officer to arrest any man and bring him in custody before them at its mere will and pleasure, without any previous summons, without charge of offence or adjudication of guilt, without any purpose to be answered; in a word, without any cause but their mere will and pleasure.

If this proposition be true, the cause of arrest is undoubtedly stated; and that objection to the form of the warrant fails. But is the proposition true? It is, I believe, the first time that it ever was asserted; and as it distinctly places the personal liberty of every commoner in the land within the irresponsible power of The House, as it asserts that, whether charged or uncharged, guilty or innocent, contemptuous and disobedient, or submissive and obedient, The House may imprison any one of us, it surely should have been shown by those who maintain it, on what foundation it rests, what authority can be cited for it, whether it has been uniformly claimed, or whether it follows as a necessary consequence from the great duties which The House has to perform, or the generally acknowledged powers with which it is armed by the constitution. Nothing of this kind was attempted in this argument. It was not necessary for the learned argument in Stockdale *v.* Hansard, neither does it follow from anything there maintained, that the Commons are, in the words of Lord Coke, the general inquisitors of the realm. I fully admit that it would be difficult to define any limits by which the subject-matters of their inquiry can be bounded. It is unnecessary to attempt to do so now. I would be content to state that they may inquire into everything which it concerns the public weal for them to know; and they themselves, I think, are entrusted with determining what falls within that category. Co-extensive with the jurisdiction to inquire, must be their authority to call for the attendance of witnesses, and to enforce it by arrest, where disobedience makes that necessary, and where attendance is required or refused. In either stage of summons or arrest, there need be no specific disclosure of the subject-matter of inquiry, because that might often defeat the purpose of the examination.

All this, however, which I not merely admit but maintain, falls immensely short of the proposition now in hand: it is to be observed that the pleas themselves, so far from resting on this, contain a full statement of the circumstances, showing that in the particular instance the Commons were fully justified in requiring the warrant to be issued. Had the Solicitor-general conceived that there was, by the constitution of Parliament, such an authority as is now contended for, it is inconceivable that a much shorter and more proveable plea would not have been put on the file: the mere issuing of this warrant by order of The House would have sufficed. In truth, common learning and the constitution, common justice and common sense, equally revolt against it. If such a limitation on the birthright of Englishmen

Appendix, No. 3.

Judgment.
15 May 1845.

Mr.
Justice *Coleridge.*

existed, so important and so remarkable in its cause and consequences, it must have been stated (though it would have been recorded with regret, I think, and something like shame) in some one of the many definitions of our most valuable right, the rights of personal liberty, with which our text-writers abound.

I pass on to the second answer; that, with regard to the transcendant powers of The House and its identity with the people at large, and out of respect to its great dignity, the warrants which it issues are not to be dealt with as those which proceed from tribunals co-ordinate with ourselves or inferior. I cannot admit that the degree of strictness in which formal accuracy is to be required in warrants has been measured, or ought to be, by the dignity of the Courts from which they issue. Experience has shown that the liberty of the subject, with which we are entrusted, is involved in the accuracy in point of form of legal proceedings; for that reason accuracy is required; and in that view of it, it is no paradox to say that form becomes substance. The more powerful therefore the source, the higher in point of rank, the more strictness ought we to show, the more accuracy may reasonably be required. From the wide extent of jurisdiction, indeed, in the one case, and its narrowness in the other, a different rule of intendment exists; but with this qualification, the rule is as I have stated: and as it is no breach of respect to suppose that the highest functionary of the most exalted Court may imprudently err in point of form, however honest his intention; and as the most mischievous results might flow to the individual or to posterity if the inaccuracy were allowed to pass into a precedent, the more mischievous in proportion to the greater power of the Court, it is no breach of respect, but a bounden duty, respectfully to set such erroneous proceedings aside.

But it is trifling with language to speak of the present warrant as defective in form only. If The House cannot arrest of its own mere pleasure and without cause, to omit to state any cause and to rely on its mere pleasure, is to proceed with one essential of the jurisdiction absent. If the only objection to the warrant had been that it omitted to state expressly for what time the plaintiff was to be in custody, in whose custody to be kept, or where to be carried by the Serjeant, I think it might have been answered that all this might be collected with reasonable certainty enough from the recitals, at least sufficiently so for the purpose of protecting the officer in his obedience. But there is nothing from which the cause for issuing the warrant can in the remotest degree be gathered.

Lastly, it is said that, from the language of the pleas, we are bound to take it that the form of the warrant is according to the ancient usages and privileges of The House, the law and custom of Parliament.

If the result of the language of the record is that the plaintiff has admitted this, then I also distinctly admit that he is answered as against him. The law of Parliament must be taken to be as admitted; and whenever a Court of Law finds the law of Parliament applicable to the case before it, it is as much bound to govern its decision by it, as, in another case, by the common or statute law of the realm. The law of Parliament is parcel of the law of England, of the same authority as any other parcel. This, therefore, is merely a question of construction; and the first plea states an order of The House, in pursuance of and according to its ancient usages and privileges, and the law and custom of Parliament, "as follows; that is to say, that the plaintiff should be sent for and brought before the said House in the custody of the Serjeant;" and, "that the Speaker should issue his warrant accordingly." There can be no doubt that those last words import merely that the Speaker should issue the warrant in such legal and accustomed form as will legally effectuate the order of The House; but nothing can be collected from them as to what is the legal and accustomed form. They will not give validity to the warrant, in any but the legal and accustomed form. The plea proceeds: "Whereupon the Right Honourable Charles Shaw Lefevre, then being the Speaker of the House of Commons, in pursuance of the order and resolutions, and in pursuance of and according to the ancient usages and privileges of the House of Commons, and the law and custom of Parliament, afterwards, and before, &c., in order that the plaintiff might be brought, in custody of the Serjeant-at-Arms of the said House, before it, according to the order and resolution last mentioned, for the purposes aforesaid, by his warrant in that behalf duly made, after reciting therein that the House had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, did require and authorize the Serjeant-at-Arms then attending the said House to take into custody the body of the plaintiff."

It is a maxim in the custom of pleading, that everything shall be taken most strongly against the pleader; but I prefer to consider this language without any such unfavourable bearing. It appears to me clear that, considered candidly and by the light of common sense, all that is said of the usages of The House and the law of Parliament relates to the jurisdiction of the Speaker, and his act in issuing the warrant to effectuate the resolution of The House. All that relates to the qualities of the warrant itself is summed up in the words "in that behalf duly made;" but it is now settled law that the word "duly" will not supply the place of the specific allegation of any matter requisite to the validity of the act. If it were requisite that this warrant should be under the seal of the Speaker, to allege it "duly made" would not cure the want of averment that it was under his seal, (Everard *v.* Pattison, 6 Taunton, 645, is an authority for this, in the Exchequer Chamber); *a fortiori*, it will not cure the want of averment that it was made according to form, and with all the precedent required by the usage of The House and the law of Parliament. It was said, we must presume the writ to be in form according to the usage of The House; but if upon that its validity will depend, and that would have been a traversable fact, how upon demurrer can we presume it? We might thereby bar a plaintiff, when he might be in a condition to dispute the fact, upon a false assumption. Surely this would not be equal justice. I conclude therefore, thirdly, that the warrant as it appears on these pleas, is defective.

But

But it may reasonably be contended, that as the officer is bound to execute the Speaker's warrant generally speaking, and cannot be expected or required to scan its defects, it is not every fault in the warrant that ought to deprive him of protection for obedience to it. I think the law warrants the argument thus stated, and common sense and justice entirely sanction it; but it was also carried in the defendant's points, and by the Solicitor-general in the argument, to an extreme which one hears or reads with regret, and which ought never to be heard in a Court of Justice without provoking a direct denial.

The defendant's first point states, that he, being an officer of The House, is protected by an order of The House directing him to do to the plaintiff the identical act complained of; that such an order is of itself, and without more, an answer to the action. In the argument, this point, though stated to be unnecessary for the defence, was insisted on. No exception was admitted to the truth, no limit imposed on the generality of the proposition. What the quality of the act commanded may be, is not to be inquired into. It is enough that The House has ordered it; and as The House is irresponsible, so must its officer be. I do not wish to misrepresent the language used, but I think I am bound so to understand it as resting the defence of the officer not on the quality of the thing commanded, but on the unlimited extent of the authority from which the command proceeded. If this were not so, language most alarming has been wantonly or carelessly used by those whom I with reason respect too much to believe them capable of being wanton or careless in any matter, least of all in such a matter as this. But so understood, I will venture to say that the proposition is not only untenable but monstrous. Extreme as it is, it might not unreasonably be met with extreme suppositions. A proposition universally affirmative, cannot be true if the negative of it be true in any one particular; and it is no answer to say, that an abuse of such extreme power in our representative body cannot be respectfully or even decently presumed. I will presume nothing. We ought to have, I admit, the fullest confidence in the humanity, the justice, or the integrity of The House. It is entitled to our most sincere veneration; but we have a right to consider our liberties as independent of any such qualities in those who are in authority; as resting on laws; as things not precarious, but which we hold by right and charter. When Lord Camden delivered his memorable judgment in Entick *v.* Carrington (best reported in the State Trials, under the title of the Case of Seizure of Papers), he thought it a legitimate mode of proving the illegality of the warrant to show the consequences of its being legal, on the security of private papers and confidences of every Englishman; how it placed at the discretion of the Crown the secret papers, the cabinet and bureau, of every Englishman in the land, however innocent. If time allowed and I was so disposed, how much more strong a picture, without the slightest exaggeration of a feature, might be drawn of the state in which we should live by law, as to the security of property, liberty of person, safety of character, or life itself, if the propositions contended for on the part of the defendant were really sanctioned by that law? But it is needless, and I gladly forbear. It is enough to say that the law is supreme over the House of Commons, and over the Crown itself. If the limits of the law be passed by either, for most satisfactory reasons, they are indeed themselves irresponsible, but the law will require a strict account of the acts of all persons and their agents; and those, according to the nature of the illegality, will be answerable civilly or criminally.

The question however recurs, whether the defects in this warrant are of such a nature that it is not a protection to the officer; and this must be considered as at common law. The same great judgment to which I just referred, in showing that the defendants in that case were not within the statutable protection of the 24th of Geo. 2, furnishes abundant argument to prove the same as regards the defendant. I forbear to enlarge on this, however; for the defence very properly was not at all rested on it, and I mention it only that it may not be supposed to have escaped consideration. At common law I take the test to be, whether the defect in the warrant goes to the jurisdiction of the authority issuing it. If the magistrate have no jurisdiction, or if a want of jurisdiction appears on the face of the warrant, the officer was not bound to obey, and is answerable.

I find the law thus stated and illustrated by Chief Justice Willes, in delivering the judgment of the Court in Moore *v.* James and Others (Willes, 128):—"It has always been holden that a constable may justify under a justice's warrant, in a matter wherein the justice had a jurisdiction, though the warrant be never so faulty; but if a justice of the peace make a warrant to a constable to arrest a man in an action for debt, such warrant will not justify the constable, because he was not obliged to obey it, and must take notice at his peril that it was in a matter concerning which the justice had no jurisdiction." The expression "though the warrant be never so faulty," is too strong and general to be quite accurate. A justice of the peace has jurisdiction to cause the apprehension of a party charged on oath with the commission of misdemeanor; but if the Christian name of the party be left in blank, and no reason stated for the omission, but only an imperfect description of the individual, as ——H. son of George H.," it has been decided by all the Judges that resistance would be lawful, and killing the constable not murder; Rex *v.* Hood, Moody, Crown Cases Reserved, 281.

Now it cannot be contended that the constable was bound to execute what the party might lawfully resist even to death. The ground on which the constable's justification can alone be put, the act itself being *primâ facie* illegal, is, that an authority commanded him, and therefore made it his duty to do it. I have examined many parts of Lord Coke and Lord Hale on this point, but it is not very easy to extract a certain rule from them, nor to reconcile them with each other. The law, both with regard to the form of the warrants, and the authority of the magistrates to issue them, was not so accurately settled when they wrote as it has since been. Even Hawkins, at a later date, leans to the opinion that a constable

Appendix, No. 3.

Judgment.
15 May 1845.

Mr. Justice *Coleridge.*

stable may and ought to execute a general warrant to bring a person before a justice of the peace to answer such matters as shall be objected against him on the part of the King; for that the officer ought to presume that the justice has jurisdiction, unless the contrary appears; and "it may often endanger the escape of the party to make known the crime which he is accused of." (2 Pleas of the Crown, 81–2, chap. 13.) But neither this opinion, nor the reasons, could be maintained at this day.

In the 2d Institute, Lord Coke considers this matter of the requisites to make a good warrant, in two places: in the Commentary on Magna Charta, chap. 39, p. 523; and on the statute *De Frangentibus Prisonam*, E. 2, p. 591–2. What he says in the latter place, which would be more unfavourable to the defendant, ought not to be relied on, because it is said with particular reference to the statute: in the former, he is treating expressly of imprisonment lawful or unlawful, as that may depend on the goodness or badness of the warrant; one of the requisites to make it good he asserts to be a statement of the cause on its face. Among his reasons is the impossibility of the Court dealing with the case on a return to a *habeas corpus*, unless the cause of imprisonment appear; and he states that the Petition of Right has now made an end of the question. That statute, it may be remembered, recites the grievance, "That divers subjects have of late been imprisoned without any cause shown," and provides against it for the future. Having shown what is an unlawful imprisonment in this among other respects, he comes to the remedies, and among them enumerates this—Action of false Imprisonment: not making any distinction, it should seem, between the magistrate who issues and the officer who executes the warrant.

Lord Hale, Pleas of the Crown, at page 111 and also 578, states his opinion, that the warrant not containing a cause special, but being only general to answer such matters as shall be objected, is not void, but only erroneous, and will be a justification for the officer acting under it. At page 460 he says, "Although the warrant be not in strictness lawful, as if it express not the cause particular enough, yet if the matter be within his jurisdiction as a justice of the peace, the killing of such an officer in the execution of his warrant is murder; for in such case the officer cannot dispute the validity of his warrant, if it be under the seal of the justice." For this he cites the Year Book, 14th of Henry 8, page 16, which is not at all a satisfactory authority. All the Judges there seem to think that a justice could not arrest for felony; but the majority thought, as he was a Judge of record and had a seal of office, a warrant under his seal would protect the officer, though the matter was out of his jurisdiction. Again, Lord Hale, page 580, states, "That a general warrant, upon a complaint of robbery, to apprehend all persons suspected, and to bring them before, &c. was ruled void, and false imprisonment lies against the officer executing it."

Understood in one, and that the most reasonable sense, the test of jurisdiction is the safest and most generally applicable that can be suggested; the jurisdiction, namely, to arrest upon the facts stated on the warrant. If the warrant, in the shape in which it is granted to the officer, is such that the party may lawfully resist it, or, if taken on it, will be released on *habeas corpus*, it is a warrant which, in that shape, the magistrate had no jurisdiction to issue; which, therefore, the officer need not have obeyed, and which at common law, on the principle laid down, will not protect him against the action of the parties injured. Where the cause is expressed but imperfectly, the officer may not be expected to judge as to the sufficiency of the statement; and there, if the subject-matter be within the jurisdiction of the magistrate, he may be bound to execute, and as a consequence be entitled to protection; but where no cause is expressed, there is no question as to the want of jurisdiction. That is this case; and I am therefore of opinion that the obedience of the defendant was voluntary, and not protected by the warrant.

I come, therefore, to the fourth question; whether we may look to the facts alleged in the pleas, to supply that which is wanting in the warrant itself? and I have necessarily anticipated much of what I should have said on this point, in considering the last preceding question. Upon principle, this seems a question very easy of answer—Why is it necessary to state at all the cause on the face of the warrant? Several reasons are given in the text-books; not the least important is, that the party called upon to submit to the process of law may know what it is that is charged against him, and for what it is that he is called upon to yield himself a prisoner. If no cause or an insufficient cause appear, he takes his measures accordingly; should he resist, and kill or injure the officer in his resistance, and be brought to trial, it could not be contended that any fact could be added to the statement in the warrant, to his prejudice. The act with which he is charged must take its character from the circumstances as they then stood. He was resisting a wrongful imprisonment; wrongful, because the officer was not armed with legal authority for arresting him; and that is the act for which he is to answer. This reasoning equally applies if he submits, and brings his action for damages. Whatever cause for imprisonment may have existed, the action lies, because the imprisonment of which he complains was unauthorized and wrongful. As well might a new warrant be subsequently granted to the officer, and relied on by him as a defence, as facts be added in the plea to help out the defective warrant; those facts can only show that he might have been well arrested, not that he was; which is the question at issue.

We may come nearer to the point, and suppose not only a good cause but a good warrant, only that the constable has left it at home, and arrests him without any. The imprisonment clearly would be illegal. It could not be said to have been effected under and by virtue of a warrant, and surely no averment in the pleading could be allowed to cure the defect. Nor is this mere form. We are bound to look beyond the mere instance,

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at the evils which the precedent might let in, if any laxity were allowed in these proceedings by which our property, our liberty, and our lives are to be affected.

The case thus standing upon principle, I do not find any authority cited which looks the other way. The cases most nearly in analogy are those of commitments by magistrates after conviction; and those all maintain the argument of the plaintiff. The conviction will not defend the magistrate unless the commitment agree with it, and the execution be regular. The Legislature has interposed, by the 7 & 8 Geo. 4, cap. 30, sect. 39, to protect defective commitments, if they allege a conviction, and there be a good and valid conviction to sustain them. Our own practice on returns to *habeas corpus*, with a *certiorari* bringing up the depositions, in felony, proceeds upon the same principle; for though the warrant be bad, if the depositions disclose good ground for the imprisonment, we do not merely remand but recommit. Weeks *v.* Clutterbuck, 2 Bingham 483, and Rogers *v.* Jones, 1 Moody and Ryan 129, are authorities, so far as they go, the same way.

Mr. Justice *Coleridge*.

I think, therefore, that we are not at liberty to look at the facts stated in the plea, for the purpose of curing the defect in the warrant. It is unnecessary, therefore, for me to consider their effect. They are very properly pleaded; for they show that the Speaker had jurisdiction to issue a warrant, but they do not show that the warrant he did issue was a lawful one. I come to this conclusion with most sincere regret. I cannot but see, on the admitted facts, that the House was pursuing an inquiry strictly within its province; and it is to be lamented that its course should be obstructed by an inadvertency in the language used in the proceeding necessary to enforce due obedience to its commands, or that this Court or any members of it should even appear to be in conflict with it. It is a consolation that the difference is only apparent. No question of privilege or of jurisdiction is really at issue. One or two propositions have indeed been put forward, which I have been compelled to notice and to dissent from; but those have not been shown to be founded on any usage of the House. We were indeed told that to the Journals of the House we must refer for the law of Parliament in this matter; and I agree to the remark, for the law of Parliament must govern us in this case; the usage of Parliament, meaning thereby the clear ancient uniform usage, is the law of Parliament; but upon a reference, no warrant was produced in this form, or open to this censure. It was said that in earlier times The House arrested without a written warrant; and no doubt that appears to be so; but this avails nothing in the argument, unless it can be shown that the Serjeant did not orally communicate to the party the cause for which he was summoned or arrested. It is perfectly consistent with what appears, that he did so; and we ought to presume that he did, for we must presume that the House of Commons would proceed in the manner most consonant with reason and justice, and the analogy of the common law.

No distinction between the several pleas has been made in the argument on the part of the defendant. The conclusion, upon the whole, to which I have come, is, that our judgment ought to be for the plaintiff.

Mr. Justice *Williams*:—I have the misfortune to differ from the rest of the Court in this case: it is some satisfaction, however, to think that this difference does not arise upon any question affecting the existence or the extent of the privileges of the House of Commons. No doubt was attempted to be raised upon this point, in the argument of the learned counsel for the plaintiff; the objection to the pleas, and the right of the plaintiff to the judgment of the Court, were made to rest exclusively upon the form of the Speaker's warrant as set forth in those pleas: a few additional words, as I understood that argument, would have removed all doubt and difficulty from the case. If in the warrant of the Speaker, the direction to the defendant had been not merely to take the plaintiff into custody, but "him safely to keep during the pleasure of The House," (and I am at a loss to understand what validity the warrant can receive from that addition,) I should have been unable to distinguish this case from that of the Sheriff of Middlesex, 11th Adolphus & Ellis; because, although in the present there is not, as in that case there was, a direct resolution or adjudication of a contempt, yet a contempt of the House of Commons and of its undoubted privileges plainly appears from the undisputed facts of the case.

Mr. Justice *Williams*.

It may be convenient, therefore, thus early in the course of the remarks I am about to offer, to bring at once distinctly into notice what were the circumstances and what the occasion upon which the plaintiff was taken into custody by the defendant, the Serjeant-at-Arms of the House of Commons; and in so doing I shall not deem it needful to travel out of the plea and the allegations therein contained.

It appears, then, that certain matters were under discussion in the House of Commons, and that it was considered by the said House to be necessary that the plaintiff should be examined at the bar of the said House; that it was thereupon ordered that the plaintiff should attend forthwith; that the plaintiff had notice of the said order and did not attend, but "wilfully and contemptuously" refused so to do; and that the said House was informed and had notice thereof; that thereupon it was ordered that the plaintiff should be sent for and brought before the House in the custody of the Serjeant-at-Arms, and that the Speaker should issue his warrant accordingly. Then follows the warrant, which it will be necessary hereafter to notice more particularly. At present I am only considering whether a contempt was in fact committed; and upon this part of the case no doubt, as I believe, has been or as I think, can be raised. In the consideration of it, I perfectly agree with what was said by Lord Denman in the case of the Sheriff of Middlesex. "It is unnecessary," says his Lordship, "to discuss the question (the strong opinion of Lord Coke in 4th Institute 37, and the passages cited in argument, however, is well known) whether each House of Parliament be or be not a Court. It is clear that they cannot exercise their proper functions without

Appendix, No. 3.

Judgment.
15 May 1845.

Mr.
Justice *Williams.*

without the power of protecting themselves against interference." Equally clear is it, in my opinion, that in the exercise of their inquisitorial functions they must have the power of enforcing the attendance of witnesses, or their authority would be nothing, and the House of Commons but the shadow of a name. The House, therefore, had an undoubted right to order the attendance of the plaintiff; and upon his "contemptuous" refusal, to commit him for the contempt; or, as I think, to order him to be brought in custody before them, to show cause, if he had any, why he refused to attend, or to give evidence if required. Up to this point, therefore, there is, I apprehend, no doubt, and the matter is clear. The question is, as already stated, upon the form and manner in which the authority of The House has been vindicated upon the present occasion.

The plea states the Speaker's warrant thus: "Wherefore the Speaker, in pursuance of the said last-mentioned order (that the plaintiff should be brought before The House in custody, &c.), and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, by his warrant duly made, after reciting therein that the said House had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, did require and authorize the said Serjeant to take into custody the body of the plaintiff." Then follows the justification of the defendant, that he took him by virtue of the warrant, in order to bring him before The House; and the question is, whether the said warrant be or be not a justification to him in the execution of his duty, no excess therein being pretended.

And before I proceed to examine that more minutely, I think it right to premise that all cases of warrants of commitment by inferior jurisdictions are, in my opinion, wholly inapplicable to the present. It seems to me clear that the warrant of the Speaker of the House of Commons, if brought before this Court, is judged of upon principles entirely different from those which govern the decision of the cases just referred to. The warrant in the case of the Sheriff of Middlesex was in the following form: "Whereas the House of Commons have this day resolved that William Evans, esq. and John Wheelton, esq. Sheriff of Middlesex, having been guilty of a contempt and breach of the privileges of this House, be committed to the custody of the Serjeant-at-Arms attending this House; These are, therefore, to require you to take into your custody the bodies of the said William Evans and John Wheelton, and them safely to keep during the pleasure of this House; for which this shall be your sufficient warrant. *C. S. Lefevre.*"

Now this, if examined according to the rules which prevail in the cases above mentioned, is, I apprehend, manifestly defective. If a person be convicted of being "a rogue and vagabond," and committed accordingly, and facts be stated not sufficient to justify the legal inference, he is entitled to his discharge. Rex *v.* Brown, 8 Term Reports, 26. Equally defective, I presume, would it have been if the warrant had stated a conviction of the party as being "a rogue and vagabond," without more. If Commissioners commit a bankrupt for a contempt in not answering questions, this Court would discharge him if the questions were not specified, so that the Court might judge of their legality. By two Judges, in *Ex parte* Leeke, 9 Barnewell & Cresswell, and in Goff's case, 3 Maule & Selwyn, 203 (hereafter more fully noticed), a warrant of commitment for not accounting and paying over money, directing the party to be kept "till discharged by due course of law," would, it seems, have been held bad, if it had not been supported by previous parts of the warrant. If, as contended for in the argument for the plaintiff, convenient certainty as to the place where and the time during which the custody is to be, are requisite in order to make a warrant legal, that object seems to be imperfectly forwarded by the statement, "that the party should be kept during the pleasure of The House." What would be thought of a magistrate's warrant, however in all other respects unexceptionable, which should direct a commitment during the pleasure of any man or set of men whatsoever? Yet the Speaker's warrant, in the form above set forth, was sustained by this Court, and the parties applying for liberation remanded, and that, too, under circumstances which, if any such case can ever exist, would have led to an examination of it with the greatest anxiety and jealousy; and not only was such the decision of this Court, but all doubt may be considered at an end by the questions proposed by, and the answers given to, the House of Lords, in the case of Burdett *v.* Abbot, 5 Dowl.

I come now to the allegation in the plea above set forth; and I believe it is considered that the words, "the Speaker, in pursuance of the said last-mentioned order, and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, by his warrant duly made, did require and authorize the said Serjeant to take into custody the body of the plaintiff," simply mean that the Speaker did in fact make his warrant. I confess, however, that I entertain some doubt whether the allegation ought to be so restrained, or whether it is not also descriptive of the nature and quality of that warrant; that is, whether it is not to be understood from the allegation that the warrant was in such form as, according to the usages of The House and the law of Parliament, had been in like cases issued by the Speaker to bring a party in custody before The House; and if so, I should also doubt whether such allegation so understood would not at once have closed the question, upon the ground that the House of Commons is competent to regulate the forms of its own proceedings, and is the sole judge of them. In the case *Ex parte* Smyth, 3 Adolphus & Ellis, 719, and 2 Crompton, Meeson & Roscoe, 754, it appeared that the Judicial Committee of the Privy Council had ordered Smyth to appear "absolutely." Of this order Smyth complained, and applied for a prohibition both to this Court and to the Exchequer. Both Courts upon the hearing considered the question in the same manner: Was the case within the jurisdiction of the Court below? If so, the inquiry is at an end, for the complaint respects the conduct of the cause in that Court, and with its practice we will

will not interfere; and this too in the case of an inferior Court. It is unnecessary, however, to pursue this part of the subject further, or to pronounce any decisive opinion upon it, because in another view the warrant may in my opinion be sustained; and even if it ought to be examined in the manner contended for by the plaintiff, it is good and sufficient in law.

Upon this part of the case two questions, as it seems to me, arise; 1st, whether the recital in the warrant may be resorted to, in order to explain and support the mandatory part? and 2d, if it may, whether such recital be sufficient for the purpose?

Now upon the first question, Goff's case, above referred to generally, has a strong bearing. It is indeed decisive to show that previous matter may have the effect of explaining and rectifying in a warrant what would otherwise be imperfect and erroneous. Goff was committed by warrant of two justices, for that he, being collector of rates for the parish of Richmond under 23 Geo. 3, cap. 41, refused to pay over monies collected by virtue of the Act, to W. S.; and the justices adjudged that he should be committed to gaol, there to remain until he should account and pay over the monies to the said W. S. They then required the keeper of the gaol to receive and keep him "until he should be discharged by due course of law." For this fault and the uncertainty of the latter part of it, the warrant was objected to, and the cases of commitments by Commissioners of Bankrupt, which had therefore been ill, were cited; and those cases were not questioned in the argument, but reliance was placed on the previous part of the warrant, and especially the adjudication that Goff should be committed until he accounted and paid; and it was contended that the conclusion ought to be construed with reference to that which precedes it, and so be sustained. And per Lord Ellenborough, "coupling the premises with the conclusion, is it not, in effect, the same as if the warrant had directed the gaoler to detain the party till he had accounted? We must read the warrant as if the magistrates had, in the conclusion, recited over again the adjudication." The prisoner was remanded. The principle of this case has since been recognized by the Court of Exchequer, Coster *v.* Wilson, 3 Meeson & Welsby. It cannot indeed be said that the previous matter in Goff's case is in kind the same as that which I am about to notice in the present; but the principle of reference for the purpose of sustaining the warrant is, I think, thereby established.

Upon the second question proposed, a few remarks will suffice: the warrant recites an order that the plaintiff "should be sent for in the custody of the Serjeant-at-Arms." Now, what is the meaning of "sent for in custody?" or rather, what can it be but that the plaintiff was to be "brought before The House in the custody of the Serjeant-at-Arms," and if so, "coupling the premises with the conclusion" (according to Lord Ellenborough), what can be a more reasonable interpretation than that the warrant being to take the plaintiff into custody, it ought to be understood, by aid of the recited order, as directing "to take him into custody for the purpose of bringing him before The House;" and if so, the warrant, in my opinion, is perfectly legal. In the case of a warrant of commitment by the Speaker of the House of Commons, a resolution that the party has been guilty of a contempt is requisite, but not any specification of the nature of that contempt; and as we have already seen, neither the time during which, nor the place where, the imprisonment is to be, need be stated. Moreover, a contempt in fact may have been committed or it may not; nothing appears, but credit is given (which in the case of an inferior jurisdiction would not be) to the House of Commons, that they would not commit without a sufficient cause; at all events, this Court cannot inquire in such a case: and why not the intendment also be made in the present instance, that the House of Commons ordered that the plaintiff should "be sent for in the custody of the Serjeant-at-Arms," or (as I think it must be understood) "brought before The House" in that custody, for some good and sufficient cause? for surely there may be many such: that seems to me scarcely a more forced supposition than that a contempt has been in fact committed, though none appears.

It remains that I should add a few words upon a point connected with this part of the case, briefly touched upon already, but requiring, perhaps, some further notice. It was contended in argument, that the only unobjectionable course for The House to pursue, was to adjudge the party guilty of a contempt, and commit him accordingly. I cannot accede to this argument. I think that having ordered the attendance of the plaintiff as a witness, of the fitness of which the House of Commons alone had the competence to judge, they might, upon his wilful default, compel his attendance to answer for that default, and upon that attendance make such order respecting him as to The House might seem meet. If a witness, having notice that The House had ordered his attendance, disobeys, no further order, in the shape of a second notice, is necessary. Even in the case of Commissioners of Bankruptcy, if the bankrupt refuses to attend, no second summons is necessary before a warrant of commitment issues, but such warrant may go at once; 16 Vesey, *Ex parte* Linthwaite; and Battye *v.* Grisley, 8 East. Then what is the difference, so far as the party affected is concerned, between the two modes of proceeding? If the party be committed for a contempt during the pleasure of The House, his chance of liberation depends upon his appearing and submitting to do what is required. If the course be pursued (as here) of ordering him to be brought in custody before The House, his opportunity of making such amends as may lead to his deliverance is more immediate; and so far this course is more beneficial to him. If upon any given state of facts, a person may be sent to prison for contempt, surely he may be brought before The House, whereby he may avoid being sent to prison at all. The power in each case seems to me to be precisely similar, and to depend upon the same principle, the necessity of vesting such power in the House of Commons for the sake of the public interest and welfare.

Upon the whole my opinion is, that the judgment should be for the defendant.

Appendix, No. 3.

Judgment.
15 May 1845.

Lord *Denman*.

Lord *Denman*:—The case, notwithstanding the length of the argument and the weight of the matters discussed, appears to me to lie in a very narrow compass. The defendant justifies the imprisonment of the plaintiff under the warrant of the Speaker of The House of Commons, which directed the defendant to take the plaintiff into custody, after reciting that his presence had been required in The House by an Order of The House, of which order the plaintiff had notice, but to avoid obedience to which he contemptuously concealed himself. There was no necessity for authorities to show the power of either House of Parliament to commit for a contempt; that power, which they possess in common with all the superior Courts, was fully recognized in Stockdale *v.* Hansard, and was acted upon in a proceeding which grew out of that case, and is reported in 11 Adolphus & Ellis; Regina *v.* The Sheriff of Middlesex. That power, indeed, was neither directly nor indirectly questioned by the learned counsel for the plaintiff on the present occasion. The privilege of Parliament to prosecute all inquiries which they deem necessary for the discharge of their high duties, was also admitted without dispute, and the power, consequently, to compel the attendance of all persons whom they may require for such purposes.

Some doubt has been strongly and eloquently stated on the power to order a person to be brought before The House in custody, in the first instance, or, at least, without apprizing him of the reason for requiring his attendance. But I confess that it would rather appear to me, though sensible of the weight of these considerations, that as the exercise of their privilege of inquiry may obviously be wholly defeated by delay, it may be necessary to secure such attendance by coercive measures and without explanation, and that of that necessity The House alone can judge.

But the defendant rests his justification on higher grounds, and puts foremost in the points to be argued a much more extensive principle. The defendant, he says, being an officer of the House of Commons, is protected by an Order of The House, directing him to do to the plaintiff the identical act complained of: such an order, of itself and without more, is an answer to the action. Now this is the leading proposition maintained by the defendant in the case of Stockdale *v.* Hansard, and it was upon examination deliberately denied by the unanimous judgment of this Court. To the doctrine established by that judgment I fully adhere, unquestioned as it has been in any Court of Error; strictly conformable, as I am firmly convinced, of the principles of our law, and essential to the existence of a free constitution.

Holding, therefore, that the mere Order of the House of Commons does not of itself legalize whatever it may enjoin, whether executed by its own officer or by any other person, I must reject this ground of defence. On the contrary, I hold that this Court is not at liberty to decline the jurisdiction of examining the grounds on which the imprisonment of any one of our fellow subjects may be justified; whatever the dignity or power of those who may have caused his imprisonment, whether it be questioned in an action for damages, or on a return to a *habeas corpus*, or in the more solemn inquest that may be conducted in a criminal court in a case of life and death, where homicide may have resulted from enforcing or opposing the order, and the judge may be compelled to decide on its legality.

If, in the performance of this duty, I find the defendant justified by an order of the House of Commons, either convicting or punishing the plaintiff for a contempt, or made for the purpose of bringing the plaintiff before them for the necessary exercise of their privileges, the defendant will be of course entitled to our judgment. Here, however, it is unfortunate that serious objections are urged against the warrant set forth in the plea. It recites that the plaintiff's presence had been required in the House of Commons; that he had notice of their resolution to that effect, and the order thereupon made, but that he contemptuously concealed himself to avoid obedience to it; and then the resolution that he should be sent for, and brought before the House of Commons, and "that Mr. Speaker do issue his warrant accordingly." Whereupon the Speaker, in order that the plaintiff might be brought before The House in the custody of the Serjeant-at-Arms according to the order and resolution aforesaid, by his warrant, reciting that The House had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, did require and authorize that officer to take into custody the body of the plaintiff. Here the warrent ends; under it the arrest and detention of the plaintiff are justified.

This instrument must be considered as a committal for contempt, or as a means of compelling the plaintiff's attendance in the House of Commons, or perhaps as both. In both points of view it is said essentially defective, for omitting to state the object and end for which it was issued. If it were to enforce sentence of contempt, the plaintiff's learned counsel insisted that some limit to that imprisonment ought to appear in it. If the intention was only to bring him before The House, that intention, it was said, ought to be disclosed. The officer it was contended, is bound to look no further than the direction in the warrant, and that places him in the officer's custody without any intimation how long or for what purposes the prisoner is to be detained. The prisoner, it was also contended, has a right to see the warrant that he may submit to it, if lawful; but however sensible of the obligation to submit to the authority of The House, he would not be bound to undergo an imprisonment at the discretion of the officer, to whom The House has not delegated such discretion; for the Speaker's warrant was likewise impeached, as not pursuing the resolution on which it professes to be founded, but which only directed that the plaintiff should be brought "before the House of Commons."

The objections were met in various ways. First, it was said that the resolution set forth in the plea, that the plaintiff should be brought before The House, may be incorporated into the warrant which requires the Serjeant to take him into custody. But at common law every warrant must speak for itself, and must show two things; a good cause for depriving

depriving the party named of his liberty, and some lawful period for his confinement: "The warrant," says Lord Coke, "containing a lawful cause, ought to have a lawful conclusion." This is repeated by Lord Hale and all the text-writers, and it is well established by numerous authorities. Lord Chief Justice Holt asserted this principle in Bracy's case; so did Lord Ellenborough in Goff's case; the whole Court in Lord Tenterden's time, in Groom *v.* Forrester; and the Court of Exchequer recently, in the case of Daniel *v.* Philips. In the last-mentioned case Mr. Baron Parke expresses himself in the very words of Chief Justice Holt: "The cause of commitment ought to be certain, to the end that the party may know for what he suffers, and how he may regain his liberty." The learned Baron proceeds, "and if it be not, it is not only a ground for discharging the party, but the warrant is void and no justification in an action of false imprisonment." He adds the following sentence, after citing Groom *v.* Forrester: "contrary to the dictum of Lord Holt in Bracy's case." I must, however, here remark, that Groom *v.* Forrester, far from professing to overrule the opinion of Lord Holt, proceeds on the authority of his decision in Bracy's case; taking no notice of this supposed dictum, or of the inaccurate reporter on whose single statement it rests; a dictum unnecessary to the decision and plainly repugnant to it in principle, as well as to Lord Holt's known opinion. It is mentioned by Comberbach that an action had been talked of, and we may well suppose that Lord Holt would be desirous of discouraging so vexatious a proceeding for a mere slip in the officer, and that his language was misconstrued into an opinion that no action could be maintained.

From this ancient and indisputable principle, it follows that a bad warrant cannot be eked out by a more regular and formal conviction; or rather, indeed, it is the same principle. It required no authority; but there is a decision on the very point in 2 Bingham, in the case of Weeks *v.* Clutterbuck. Goff's case does not appear to me inconsistent, for there Lord Ellenborough distinctly lays down this principle: "If there had been any uncertainty on the face of the warrant, I should have agreed with the argument; but coupling the premises with the conclusion, is it not in effect the same as if the warrant had directed the gaoler to detain the party till he had accounted? We must read the warrant," he says, "as if the magistrates had, in the conclusion, recited again the adjudication." Justice Le Blanc observed, "When the party has paid over the money, he will be entitled to be discharged by due course of law." That is, the warrant itself both indicates a conclusion of the imprisonment, and the party's discharge by due course of law, which, though vicious as too general, if it stood alone, receives an explanation from the other words in the same warrant, showing that his accounting, in conformity to his duty, is the means of such discharge. But the warrant before us has no conclusion whatever, and, even if it justified the arrest (which is questioned on other grounds), cannot justify any of the ulterior proceedings against the plaintiff.

I apprehend that the goodness of a warrant in respect of its contents is wholly independent of the authority from which it proceeds. However dignified and powerful the body which sends forth process, that process must be consistent with itself and with the law, in order to defend the officer who acts upon it. There is no disrespect to the high Assembly with which this matter originated, in applying the same rules of construction to the instrument by which it acts, as to those that may be issued by an ordinary justice of the peace. It is impossible to make the distinction; the magistrate is as absolute, while exercising his jurisdiction, as an Act of Parliament can make him: a recent Act has, in certain cases, permitted him to avail himself of a good conviction where a commitment would otherwise have been imperfect; but that Act proves what the common law was, and has no application to the present case.

There is a general averment in the plea that the acts complained of were done in accordance with the ancient usages and privileges of The House, and the law and custom of Parliament; and the plaintiff is said to have admitted this as a fact, by demurring. But I am of opinion that this would give too extensive an effect to admissions by demurrer, which ought to be rigidly confined to what the rules of construction require, especially when the averment is ambiguous, and the fact is not peculiarly within the knowledge of the party. The averment here will be satisfied by being interpreted with reference to the mere issuing of the warrant; we cannot suppose either that the defendant claims for the House of Commons the privilege of issuing a bad warrant, or that the party questioning the conduct of its officer admits such privilege.

The point lastly stated for argument on behalf of the defendant is, that the Speaker's warrant issued in a case where the House of Commons had jurisdiction; and the Courts of Common Law have no right or power to inquire into the formal mode in which they have proceeded. But the answer is, that we are inquiring not how The House proceeded, but how the officer acted. The view that I take steers clear of all collision with any privilege of The House, except that large and general one to which I first adverted, and renders it unnecessary to consider the other objections to the plea. And though the objections to this warrant may, at first sight, appear of a technical nature, they will be found, on consideration, to involve principles of vital importance to the liberty of the subject. For the reasons that I have given, I think the plaintiff is entitled to our judgment.

Judgment for the Plaintiff.

Appendix, No. 4.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

COPIES of certain WARRANTS issued to secure the Attendance of Witnesses, or the Presence of some other Persons, and contained in the MS. Volumes of Precedents in the Speaker's Secretary's Room.

WARRANTS in cases of CONTEMPT or BREACH OF PRIVILEGE, where the Offence appears on the Warrant.

I.—*To Serjeant-at-Arms, to take into his Custody, without limitation (the words "* and him safely to keep during the pleasure of The House*" being omitted).*

Vol. 1, p. 87.

WHEREAS complaint has been made to the House of Commons this day, that the names of several Members of the House had been counterfeited in the franking of several letters to be sent by the General Post, and it appearing to the House that one of the said letters was signed with the name of William Dwyer: And whereas The House of Commons have this day ordered that the said William Dwyer be sent for in your custody, in order to his being brought to the bar of the said House, to be examined touching the matter of the said complaint: These are therefore to require you to take into your custody the body of the said William Dwyer accordingly; and all mayors, bailiffs, sheriffs, undersheriffs, constables, and headboroughs are hereby required to be aiding and assisting to you, your deputy or deputies, in the execution hereof. Given under my hand this 8th day of February 1739.

To W. Odiarne, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 1, p. 89.

WHEREAS a charge has been exhibited before the House of Commons by the high bailiff of the city of Westminster against the Hon. Alexander Murray, esq., and it has been this day ordered by the said House that the said Alexander Murray be taken into custody of the Serjeant-at-Arms attending this House; and when he shall be in such custody, that the said Serjeant-at-Arms shall take such bail of the said Alexander Murray as shall be approved of by Mr. Speaker, for the attendance of the said Alexander Murray, from time to time, on the said House, as he shall be required thereunto: These are therefore to require you to take into your custody the body of the said Alexander Murray accordingly; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers are hereby required to be aiding and assisting to you, your deputy or deputies, in execution hereof; for which this shall be your sufficient warrant. Given 1st February 1750.

To W. Odiarne, Esq.

Vol. 1, p. 59.

BY virtue of an Order of the House of Commons this day made, these are to require you to take into your custody Thomas Scrope, esq., who, during the sitting of The House, was very disorderly, by creating a disturbance in the Lobby and upon the stairs leading to this House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers are hereby required to be aiding and assisting to you, your deputy or deputies, in the execution hereof; for which this shall be your sufficient warrant. Given under my hand this 14th day of February 1764.

To Nicholas Bonfoy, Esq.
Serjeant at-Arms attending the House of Commons.

Note.—Scrope escaped out of the hands of the messengers.

By virtue of an Order of the House of Commons this day made, these are to require you to take into your custody John Hughes, he having confessed himself to be the person who printed the paper entitled, "Considerations upon the Embargo on Provision of Victual;" which paper the said House did yesterday resolve to contain a malicious and scandalous libel, highly and most injuriously reflecting upon a just and wise Act of his Majesty's Government and the proceedings of both Houses of Parliament, and tending to create jealousies and discontent in the minds of his Majesty's subject; for which this shall be your sufficient warrant. Given under my hand this 3d day of December 1740. Vol. 1, p. 66.

To Wentworth Odiarne, Esq.
Serjeant-at-Arms attending the House of Commons.

Whereas the House of Commons have this day resolved that William Williams, attorney-at-law, having caused a copy of a writ in an action of trespass to be delivered to Sir N. Bailey, baronet, a Member of this House, with an intention to serve notice of such action on the said Sir N. Bailey, is thereby guilty of a breach of the privilege of the said House: And whereas the said House have also this day ordered that the said William Williams be, for his said offence, taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said William Williams accordingly; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you, your deputy or deputies, in the execution hereof; for which this shall be your sufficient warrant. Given 8th February 1757. Vol. 1, p. 83.

To W. Odiarne, Esq.

Whereas the House of Commons have this day resolved that John Lucas, senior, of Monmouth, having forcibly entered upon and made use of a fishery at Hadnock, in the possession of Admiral Griffin, a Member of the said House, is thereby guilty of a breach of the privilege of the said House: And whereas the House of Commons have also this day ordered that the said John Lucas, senior, be for his said offence taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said John Lucas, senior, accordingly; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby requested to be aiding and assisting to you, your deputy or deputies, in the execution hereof; for which this shall be your sufficient warrant. Given, &c. 11th of April 1759. Vol. 1, p. 85.

To W. Odiarne, Esq.

By virtue of an Order of a House of Commons this day made, these are to require you to take into your custody the body of Nicholas Paxton, esq., Solicitor of the Treasury, he having been examined by the Committee of Secrecy in the most solemn manner, and refusing to answer what was demanded of him by the said Committee; and you are not to allow the said Nicholas Paxton the use of pen, ink, or paper, or to permit any person to have access to him without the leave of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting you or your deputies in the execution thereof; for which this shall be your sufficient warrant. Given under my hand this 13th day of April 1742. Vol. 1, p. 166.

To Wentworth Odiarne, Esq.
Serjeant-at-Arms attending the said House.

Whereas the House of Commons have this day adjudged that Edward Keyhoe having, upon the 11th day of July last, endeavoured to make a forcible entry into the house of Sir Watkin Williams Wynn, baronet (a Member of the said House), in Downing-street, Westminster, and having then and there assaulted Edward Fleming, porter to the said Member, is thereby guilty of a breach of privilege of the said House: And whereas the said House have this day ordered that the said Edward Keyhoe be, for his said breach of privilege, taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said Edward Keyhoe accordingly; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers are hereby required to be aiding and assisting to you, your deputy or deputies, in the execution thereof; for which this shall be your sufficient warrant. Given under my hand this 25th day of January 1742. Vol. 1, p. 167.

To W. Odiarne, Esq.
Serjeant-at-Arms, attending the House of Commons.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

Vol. 7, p. 168.

To take a Member.

By virtue of an Order of the House of Commons this day made, these are to require yo to take into your custody , a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand this day of , &c

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons, or his Deputy.

II.—*To Serjeant-at-Arms, to take into his Custody during the Pleasure of The House.*

Vol. 1, p. 165.

Whereas the House of Commons have this day adjudged, that Mr. Joseph Hicky has been guilty of a corrupt attempt to obtain a seat in the said House for a client by whom he was employed: And whereas the said House have this day ordered, that the said Joseph Hicky be, for the said offence, taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said Joseph Hicky, and him safely to keep in custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 15th day of February 1768.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 2, p. 69.

Whereas the House of Commons have this day adjudged that Hugh Roberts, the late returning-officer for the borough of New Shoreham, in the county of Sussex, having at the last election for the said borough returned upon the poll 87 persons who voted for Mr. Humbolt, and who all accepted and had taken the bribery oath, and 37 who voted for Mr. Purling, and having immediately on the close of the poll declared Mr. Purling duly elected, and returned him accordingly, hath thereby acted illegally and in breach of the privilege of this House: And whereas the said House have also this day ordered that the said Hugh Roberts be for the said offence taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said Hugh Roberts, and him safely to keep in custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 14th day February 1771.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons, or his Deputy.

Vol. 2, p. 73.

Whereas the House of Commons did, on Thursday the 14th day of this instant March, adjudge and order that J. Miller (for whom the newspaper intituled the London Evening Post, from Thursday, March 7th, to Saturday, March 9th, 1771, purports to be prined, and of which paper a complaint was made in the House of Commons on Tuesday the 12th day of this instant March) be, for his contempt in not obeying the Order of the said House for his attendance on The House on the said 14th day of this instant March, taken into the custody of the Serjeant-at-Arms or his Deputy attending the said House: These are therefore to require you forthwith to take into your custody the body of the said John Miller, and him safely lodge during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and every other person or persons, are hereby required to be aiding and assisting to you or your deputy in the execution thereof; for which this shall be your sufficient warrant. Given under my hand the 15th day of March 1771.

(signed) *Flr. Norton*, Speaker.

To Nicholas Bonfoy, esq. Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy, or to William Whitton one of the Messengers attending the House of Commons.

Vol. 2, p. 126.

Whereas the House of Commons have this day adjudged that Henry Simpson Woodfall having printed and published a letter, addressed to Sir Fletcher Norton, knight, Speaker of the House, in the Public Advertizer of Friday last, (which letter The House hath resolved, *nemine contradicente*, to be "a false, malicious, and scandalous libel, highly reflecting on the character of the Speaker of The House, to the dishonour of The House, and in violation of the privileges thereof,") is thereby guilty of a breach of the privilege of The House: And whereas the said House have this day ordered that the said Henry Simpson Woodfall be, for his said offence, taken into the custody of the Serjeant-at-Arms attending the said House: the said Henry Simpson Woodfall having at the bar of the said House confessed that he printed and published the said letter, and having informed The House from whom he received it, and having submitted himself to the mercy of The House: These are therefore

fore to require you forthwith to take into your custody the bod of the said Henry Simpson Woodfall, and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, and headboroughs, and every other person and persons, are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 14th day of February 1774.

(signed) *Flr. Norton*, Speaker.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy.

WHEREAS the House of Commons did, on the 10th day of this instant May, impeach Warren Hastings, esq., late Governor-general of Bengal, at the bar of the House of Lords, for certain high crimes and misdemeanors committed by him in India: And whereas the said House has this day ordered that the said Warren Hastings, esq., late Governor-general of Bengal, be taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said Warren Hastings, esq., and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, and headboroughs, and every other person and persons, are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 21st day of May 1787. Vol. 5, p. 67.

(signed) *C. W. Cornwall*, Speaker.

To Edward Colman, Esq., Serjeant-at-Arms attending the House of Commons, or his Deputy.

WHEREAS the House of Commons hath this day adjudged that Peter Stuart, printer and publisher of a newspaper, intituled "The Daily Advertizer, Oracle, and True Briton," having published in the said newspaper certain libellous reflections on the character and conduct of the said House, is thereby guilty of a high breach of the privileges of the said House: And whereas The House hath thereupon ordered "that the said Peter Stuart be for his said offence taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you forthwith to take into your custody the body of the said Peter Stuart, and him safely to keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, and headboroughs, and every other person or persons, are hereby required to be aiding and assisting to you in the execution thereof; for which this shall be your sufficient warrant. Given under my hand the 26th day of April 1805. Vol. 7, p. 186.

(signed) *C. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons.

WHEREAS the House of Commons have this day adjudged that John Amesley Shee, having been guilty of gross prevarication in giving evidence before the Select Committee appointed to inquire into the existence of any corrupt practices in regard to the appointment and nomination of writers or cadets in the service of the East India Company, be for his said offence committed to the custody of the Serjeant-at-Arms attending the House of Commons: These are therefore to require you to take into your custody the body of the said John Amesley Shee, and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy or deputies in the execution hereof. Vol. 7, p. 252.

And by virtue of an Order of the House of Commons, this day made, you are hereby directed to bring the said John Amesley Shee, when he shall be a prisoner in your custody, to the said Select Committee, in order to his being examined as often as the said Committee shall think fit to require the same; for which, as well as for taking the said John Amesley Shee into your custody, this shall be your sufficient warrant. Given under my hand the 21st day of February 1809.

(signed) *C. A.*, Speaker.

The last paragraph of the foregoing warrant was, perhaps, unnecessary, as the Serjeant might be supposed to know the order of the House, and consequently to conform to it. The Speaker's warrant appearing to be unnecessary, though often issued to enforce orders upon the Serjeant, it ought not, perhaps, to be issued, unless to enforce orders on persons, and particularly official persons, not officers of the House, or to authorize the Serjeant to call for aid from constables, &c., if necessary.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

Vol. 7, p. 268.

WHEREAS the House of Commons hath this day adjudged that John Gale Jones, having written and caused to be printed a certain paper containing libellous reflections on the character and conduct of the said House, and of some of the Members thereof, is thereby guilty of a high breach of the privileges of the said House: And whereas The House hath thereupon ordered that the said John Gale Jones be for his said offence committed to his Majesty's gaol of Newgate: These are therefore to require you to take into your custody the body of the said John Gale Jones, and then forthwith to deliver him over to the custody of the keeper of His Majesty's gaol of Newgate; for which this shall be your sufficient warrant. Given under my hand the 21st day of February 1810.

(signed) *C. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons.

Vol. 7, p. 270.

WHEREAS the House of Commons hath this day adjudged that John Fuller, esquire, a Member of the said House, be, for his offensive words and disorderly conduct, committed to the custody of the Serjeant-at-Arms attending the House of Commons: These are therefore to require you to take into your custody the body of the said John Fuller, and him safely to keep, during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you, or your deputy or deputies, in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 27th day of February 1810.

(signed) *C. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons.

Vol. 8, fo. 8.

WHEREAS the Chairman of the Select Committee appointed by the House of Commons to try and determine the merits of the petition complaining of an undue election and return for the town of Drogheda, hath informed the said House, that C. A. having been duly summoned by the Speaker's warrant, had disobeyed such warrant, and had not appeared before the said Committee: And whereas the said House hath thereupon ordered, that the said C. A. be taken into the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to take into your custody the body of the said C. A. and her safely to keep during the pleasure of this House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you, or your deputy, in the execution thereof; for which this shall be your sufficient warrant. Given under my hand this 25th day of June 1835.

(signed) *J. Abercrombie*, Speaker.

To the Serjeant-at-Arms attending the House of Commons, or his Deputy.

Vol. 8, fo. 24.

WILLIAM PRENTICE having refused to answer questions put to him by the Committee, on the Great Yarmouth Election Petitions, was brought to the bar of the House; and on his still refusing to answer the questions, was ordered to be taken into the custody of the Serjeant-at-Arms.

WHEREAS the House of Commons hath this day ordered that William Prentice, having been guilty of a high breach of the privileges of this House, in refusing to answer certain questions put to him by the Select Committee appointed to inquire into the matter of the petitions complaining of bribery at the last and former Great Yarmouth elections, be, for his said offence, committed to the custody of the Serjeant-at-Arms attending the House of Commons: These are therefore to require you to take into your custody the body of the said William Prentice, and him safely to keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you, or your deputy or deputies, in the execution hereof.

And by virtue of another Order of the House of Commons, this day made, you are hereby directed to bring the said William Prentice, when he shall be a prisoner in your custody, to the said Select Committee, in order to his being examined as often as the said Committee shall think fit to require the same; for which, as well as for taking the said William Prentice into your custody, this shall be your sufficient warrant. Given under my hand the 31st day of July 1835.

(signed) *J. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons, or his Deputy.

It was considered unnecessary to insert the clause respecting bailiffs, &c., as Mr. Prentice was in the House of Commons, and immediately taken into custody upon the Order of The House being made.

III.—*To Serjeant-at-Arms to take into Custody and deliver to Gaoler.*

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

Vol. 1, p. 67.

WHEREAS the House of Commons hath this day adjudged that John Cullis having, in his examination before a Committee of the said House, wilfully and maliciously given false evidence tending to asperse the character of John , esquire, a Member of the said House, is thereby guilty of a high misdemeanour, and a breach of the privilege of the said House: And whereas the said House have also this day ordered, that the said John Cullis be for the said offence committed prisoner to His Majesty's gaol of Newgate: These are therefore to require you to take into your custody the body of the said John Cullis, and forthwith deliver him over into the custody of the keeper of the said gaol of Newgate; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers are hereby required to be aiding and assisting to your deputy or deputies in the execution hereof; for which this shall be your sufficient warrant. Given under my hand this 1st May 1742.

To Wentworth Odiarne, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 1, p. 80.

WHEREAS the House of Commons have this day adjudged that Mr. John Gibson, of Covent Garden, upholder, is hereby guilty of an high contempt of the authority and privileges of the said House and of the Legislature: And whereas the said House have also this day ordered, that the said John Gibson be for his said offence committed prisoner to His Majesty's prison of Newgate: These are therefore to require you to take into your custody the body of the said John Gibson, and you are then forthwith to deliver the body of the said John Gibson into the custody of the keeper of His Majesty's prison of Newgate; for which this shall be your sufficient warrant. Given 1st February 1750.

To W. Odiarne, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 2, p. 75-76.

WHEREAS the House of Commons have this day adjudged, that Brass Crosby, esq., Lord Mayor of the city of London, having discharged out of the custody of one of the messengers of the House, J. Miller (for whom the newspaper intituled the London Evening Post, from Thursday March 7th to Saturday March 9th, 1771, purports to be printed, and of which paper a complaint was made in the House of Commons on the 12th day of this instant March, and who, for his contempt, in not obeying the Order of The House for his attendance on The House upon Thursday the 14th day of this instant March, was ordered to be taken into the custody of the Serjeant-at-Arms or his deputy attending The House, and who, by virtue of the Speaker's warrant issued under the said Order, had been taken into the custody of the said messenger) and having signed a warrant against the said messenger for having executed the said warrant of the Speaker, and having held the said messenger to bail for the same, is guilty of a breach of the privilege of The House: And whereas the said House have this day ordered that the said Brass Crosby, esq., the Lord Mayor of the city of London, and a Member of The House, be for his said offence committed to the Tower of London: These are therefore to require you to take into your custody the body of the said Brass Crosby, esq., the Lord Mayor of the city of London, and you are then forthwith to deliver the body of the said Brass Crosby, esq., the Lord Mayor of the City of London, into the custody of the Lieutenant of his Majesty's Tower of London, or deputy; for which this shall be your sufficient warrant. Given under my hand the 27th day of March 1771.

(signed) *Flr. Norton*, Speaker.

To Nic. Bonfoy, Esq., Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq., his Deputy.

Page 29

THE House of Commons having this day ordered that William Lucas, having grossly prevaricated and given false evidence before a Committee of the whole House, to whom the Bill to incapacitate certain persons therein mentioned from voting at elections of Members to serve in Parliament, and for preventing bribery and corruption in the election of Members to serve in Parliament for the borough of Hindon, in the county of Wilts, is committed, be, for his said offence, committed to the prison of the Gatehouse: These are therefore to require you to take into your custody the body of the said William Lucas, and you are then forthwith to deliver the body of the said William Lucas into the custody of the keeper of the prison of the Gatehouse; for which this shall be your sufficient warrant. Given under my hand, the 27th day of April 1775.

(signed) *T. N.*

To Nicholas Bonfoy, Esq., Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq., his Deputy.

The like for Henry Chant.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

The Keeper of the Gatehouse' Warrant for receiving William Lucas and Chant.

THE House of Commons, &c. as above: These are, therefore to require you to receive, and safely keep the body of the said William Lucas during the pleasure of the said House; for which this shall be your sufficient warrant. Given, &c., the 27th of April 1775.

(signed) *T. N.*

To the Keeper of the Prison of the Gatehouse.

The like for Henry Chant.

Vol. 7, p. 275.

WHEREAS the House of Commons hath this day adjudged, that Sir Francis Burdett, baronet, who has admitted that a letter signed "Francis Burdett," and a further part of a paper, intituled "Argument," in "Cobbett's Weekly Register" of March 24th, 1810, was printed by his authority (which letter and argument the said House hath resolved to be a libellous and scandalous paper, reflecting upon the just rights and privileges of the said House), has been thereby guilty of a breach of the privileges of the said House: And whereas the House of Commons hath thereupon ordered that the said Sir Francis Burdett be, for his said offence, committed to his Majesty's Tower of London: These are therefore to require you to take into your custody the body of the said Sir Francis Burdett, and then forthwith to deliver him over into the custody of his Majesty's Lieutenant of the Tower; and all mayors, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy or deputies in the execution hereof; for which this shall be your sufficient warrant. Given under my hand, the 6th day of April 1810.

(signed) *C. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons, or his Deputy.

Vol. 8, p. 37.

WHEREAS the House of Commons hath this day resolved that Lieutenant-colonel Fairman, having persisted in refusing to produce the Book of Correspondence, according to the resolution of The House communicated to him, has been guilty of a breach of the privileges of this House: And whereas the said House hath thereupon ordered that the said Lieutenant-colonel Fairman, for his said offence, be committed to his Majesty's gaol of Newgate: These are therefore to require you to take into your custody the body of the said Lieutenant-colonel Fairman and him forthwith to deliver into the custody of the keeper of his Majesty's gaol of Newgate; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy in the execution thereof; for which this shall be your sufficient warrant. Given under my hand this 20th day of August 1835.

(signed) *J. Abercromby.*

To the Serjeant-at-Arms attending the House of Commons, or his Deputy.

IV.—*To Serjeant-at-Arms to deliver to Gaoler.*

Vol. 1, p. 64.

WHEREAS the House of Commons hath this day adjudged that William Edwards, otherwise William Edwards Moring (now a prisoner in your custody) hath been guilty of a high misdemeanor, and a notorious breach of the privilege of the said House, by having counterfeited the handwriting of several Members of the said House upon several letters and covers for letters, in order to prevent their paying the duty of postage: And whereas the said House hath this day ordered that the said William Edwards, otherwise William Edwards Moring, be committed prisoner to his Majesty's prison of Newgate: These are therefore to require you forthwith to deliver over the body of the said William Edwards, otherwise William Edwards Moring, to the keeper of his Majesty's prison of Newgate; for which this shall be your sufficient warrant. Given under my hand this 1st day of March 1764.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 2, p. 29.

WHEREAS the House of Commons have this day ordered that John Wilkes, esq. be remanded into the custody of which and to the prison from which he was this day brought: These are therefore to require you to receive into your custody the body of the said John Wilkes accordingly; for which this shall be your sufficient warrant. Given under my hand this 27th day of January 1769.

To Marshal of his Majesty's Prison of Queen's Bench.

Vol. 2, p. 75.

WHEREAS the House of Commons have this day adjudged that Richard Oliver, esq., a Member of the House, having signed a warrant for the commitment of the messenger of the House, for having executed the warrant of the Speaker, issued under an Order of The House, and having held the said messenger to bail, is guilty of a breach of the privilege of

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The House: And whereas the said House have this day ordered that the said Richard Oliver, esq., one of the aldermen of the city of London, and a Member of the House, be for his said offence committed to his Majesty's Tower of London: These are therefore to require you to receive into your custody the body of the said Richard Oliver, esq., and him safely keep during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 25th day of March 1771.

(signed) *Flr. Norton,* Speaker.

To the Lieutenant of his Majesty's Tower of London, or his Deputy.

By virtue of an Order of the House of Commons this day made, these are to require you to deliver the body of Captain Huxley Sandon (now a prisoner in your custody) into the custody of the keeper of his Majesty's goal of Newgate; for which this shall be your ufficient warrant. Given under my hand the 17th day of February 1809.

(signed) *C. A.,* Speaker.

To the Serjeant-at-Arms attending the House of Commons.

Captain Huxley Sandon was again brought from Newgate, and remanded by three warrants nearly similar to those of the 17th February (the three last of that day), but no fees beyond the usual 40*s.* were charged, it being for the convenience of The House that the keeper should not attend at the bar with the prisoner during examination; otherwise a warrant permitting the Committee of the whole House to send for Captain Huxley Sandon from time to time would have been sufficient.

By virtue of an Order of the House of Commons this day made, these are to require you to deliver the body of John Armesley Shee, *alias* Calvert, now a prisoner in your custody, into the custody of the keeper of his Majesty's gaol of Newgate; for which this shall be your sufficient warrant. Given under my hand this 28th day of February 1809.

(signed) *C. A.,* Speaker.

To the Serjeant-at-Arms attending the House of Commons.

By virtue of an Order of the House of Commons this day made, these are to require you to deliver the body of William Prentice, now a prisoner in your custody, into the custody of the keeper of his Majesty's gaol of Newgate; for which this shall be your sufficient warrant. Given under my hand the 6th day of August 1835.

(signed) *J. A.,* Speaker.

To the Serjeant-at-Arms attending the House of Commons, or his Deputy.

To deliver to House of Lords.

By virtue of an Order of the House of Commons this day made, these are to require you to deliver Warren Hastings, esq., late Governor-general of Bengal, now in your custody, by Order of the said House, into the custody of the Gentleman Usher of the Black Rod attending the House of Lords, he producing to you the Order of the House of Lords for receiving the said Warren Hastings, esq. into his custody; for which this shall be your sufficient warrant. Given under my hand the 21st day of May 1787.

(signed) *C. W. Cornwall,* Speaker.

To Edward Colman, esq., Serjeant-at-Arms attending the House of Commons, or his Deputy.

V.—*To Serjeant to take into Custody and bring to the Bar—to a Committee.*

Vol. 1, p. 36.

Whereas by virtue of an Order of the House of Commons a warrant was this day directed to the keeper of his Majesty's prison of Newgate, to bring to the said House to-morrow morning the body of William Cooley, a prisoner in his custody, in order to his being discharged: These are therefore to require you then to take into your custody the said William Cooley in order to his being brought to the bar of the said House; for which this shall be your sufficient warrant. Given 17th February 1740.

To W. Odiarne, Esq.
Serjeant-at-Arms attending the House of Commons.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

Vol. 1, p. 160.

By virtue of an Order of the House of Commons this day made, these are to require you to take into your custody Mr. John Reynolds, being charged upon the evidence of several witnesses at the bar of the said House of being concerned in corrupt practices relative to boroughs, and to bring the said John Reynolds to the bar of the said House on Monday morning next, to answer to the said charge; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and every other person or persons, are hereby required to be aiding and assisting to you, your deputy or deputies in the execution thereof; for which this shall be your sufficient warrant. Given under my hand this 12th day February 1768.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 2, p. 32.

By virtue of an Order of the House of Commons this day made, these are to require you to take into your custody the body of —— Allen, esquire, and to bring the said Mr. Allen in custody to the bar of the said House this day, at 12 o'clock, to answer a complaint of having challenged Sir William Meredith, baronet, a Member of the said House, for words spoke by the said Member in his place in the said House, in breach of the privilege of the said House; for which this shall be your sufficient warrant. Given under my hand this 3d day of February 1769.

To Nicholas Bonfoy, Esq.
Serjeant-at-arms attending the House of Commons.

Vol. 1, p 162.

By virtue of an Order of the House of Commons this day made, these are to require you to take into your custody the body of Mr. Robert Whithy, for his further examination at the bar of the said House, and not to permit any person or persons to speak to the said Robert Whithy but in the presence of you, your deputy or deputies, or one of them; nor to permit any letter or letters to be received or sent by him; for which this shall be your sufficient warrant. Given under my hand this 11th February 1768

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 1, p. 171.

Whereas the House of Commons have this day adjudged that Mr. John Wilkie, in having published an advertisement in the London Chronicle of the 29th of December last, reflecting on the honour of the said House: And whereas the said House have also ordered that the said John Wilkie be brought to the bar in custody, and reprimanded by the Speaker for his said offence: These are therefore to require you forthwith to bring to the bar of the said House the said John Wilkie, in order to his being reprimanded accordingly; for which this shall be your sufficient warrant. Given under my hand this 18th day of February 1768.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons.

The House of Commons having this day ordered that Thomas Spencer, carpenter, who was ordered to attend the Committee of the whole House, to whom the Bill to incapacitate certain persons therein mentioned from voting at elections of Members to serve in Parliament for the borough of Hindon, in the county of Wilts, is committed, had not attended, and that it appeared to the said Committee, that the said Thomas Spencer had yesterday attended this House in pursuance of their Order, on the second reading of the said Bill, but had purposely kept out of the way, in order to avoid being served with the Order of this House for his attendance on the said Committee this day, be sent for in the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to bring the body of the said Thomas Spencer, carpenter, to the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given, &c. the 27th day of April 1775.

(signed) *F. N.*

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons, or his Deputy.

The like for John Becket, baker.

THE House of Commons having this day ordered that Thomas Spencer, carpenter, who was ordered to attend the Committee of the whole House, to whom the Bill to incapacitate certain persons therein mentioned from voting at elections of Members to serve in Parliament for the borough of Hindon, in the county of Wilts, is committed, had not attended, and that it appeared to the said Committee that the said Thomas Spencer had yesterday attended this House in pursuance of their Order on the second reading of the said Bill, but had purposely kept out of the way in order to avoid being served with the Order of this House for his attendance on the said Committee this day, be sent for in the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to bring the body of the said Thomas Spencer, carpenter, to the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given, &c. the 27th day of April 1775.

(signed) *T. N.*

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons, or his Deputy.

The like for John Becket, baker.

WHEREAS the House of Commons hath this day ordered that Norman M'Lean, having been guilty of gross prevarication in giving evidence before the Select Committee appointed to inquire into the conduct of General Darling, while governor of New South Wales, be for his said offence taken into the custody of the Serjeant-at-Arms attending the House of Commons: These are therefore to require you to take into your custody the body of the said Norman M'Lean, and him safely to keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, undersheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy or deputies in the execution hereof. Vol. 8, p. 41.

And by virtue of a subsequent Order of the House of Commons this day made, you are hereby directed to bring the said Norman M'Lean, when he shall be a prisoner in your custody, to the said Select Committee as often as the said Committee shall think fit to require the same; for which, as well as for the taking the said Norman M'Lean into your custody, this shall be your sufficient warrant. Given, &c.

(signed) *J. Abercromby*, Speaker.

To the Serjeant-at-Arms, &c. &c.

Taking to Bar.

BY virtue of an Order of the House of Commons this day made, these are to require you to bring to the bar of this House, upon Monday morning next, the body of Alexander Morrice, now a prisoner in your custody; for which this shall be your sufficient warrant. Given under my hand this 2d day of December 1796. Vol. 7, p. 51.

To Edward Colman, Esq. Serjeant, &c.

VI.—*To Serjeant to receive from Gaoler.*

THE House of Commons having this day ordered that Thomas Howell, committed by this House to his Majesty's gaol of Newgate, for having grossly prevaricated in giving evidence before a Committee of this House, be discharged from his confinement there, and be for his said offence committed to the prison of the Gatehouse: These are therefore to require you to receive into your custody the body of the said Thomas Howell, and you are then forthwith to deliver the body of the said Thomas Howell into the custody of the keeper of the prison of the Gatehouse; for which this shall be your sufficient warrant. Given under my hand the 1st day of May 1775.

(signed) *F. N.*

To the Serjeant, &c. or his Deputy.

WHEREAS, by an Order of the House of Commons, a warrant has been directed to the keeper of his Majesty's gaol of Newgate to bring forthwith to the said House the body of Thomas Moore Keith, now a prisoner in his custody, for a breach of the privileges of the House of Commons, and him to deliver to you: These are therefore to require you to receive into your custody the body of the said Thomas Moore Keith; and you are moreover required and directed by virtue of another Order of the said House of Commons, this day made, to take forthwith the body of the said Thomas Moore Keith in your

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

custody down to Norwich, for the purpose of his being produced as a witness on any charge adduced against John Pilgrim; for which, as well for the receiving the said Thomas Moore Keith into your custody, this shall be your sufficient warrant. Given under my hand the 3d day of August 1835.

(signed) *J. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons, or his Deputy.

Vol. 7, p. 296.

WHEREAS by an Order of the House of Commons a warrant was this day directed to the marshal of his Majesty's prison of the King's Bench, to bring to the said House upon this day sevennight the body of the Right Honourable Lord Cochrane, now a prisoner in his custody, if the said Lord Cochrane shall desire to be so brought up, and him to deliver into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you are to receive into your custody the body of the said Lord Cochrane, in order to his being brought to the bar of the said House, for which this shall be your sufficient warrant. Given under my hand the 24th day of June 1814.

(signed) *C. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons.

Lord Cochrane afterwards wrote a letter to the Speaker desiring that the day of his attendance might be altered to Tuesday, 5th July, and a new Order was made accordingly and warrant similar to the above issued by the Speaker.

The warrants for remanding him to prison were copied *mutatis mutandis* from those of 27th January 1769, in the case of John Wilkes.

The deputy-marshal waited for his Lordship in the Serjeant's box, and carried him back in custody as soon as he had spoken.

Veneris, 26° die Junii 1835.

WHEREAS by an Order of the House of Commons this day made, a warrant has been directed to the keeper of Newgate to bring to the said House the bodies of John Bury Dasent, esq., and John Pilgrim, now prisoners in his custody, and them to deliver to you: These are therefore to require you to receive into your custody the said John Bury Dasent, esq. and John Pilgrim, in order to their being brought to the bar of the said House; for which this shall be your sufficient warrant. Given under my hand the 26th day of June 1835.

(signed) *J. A.*, Speaker.

To the Serjeant-at-Arms attending the House of Commons.

VII.—*To Serjeant to receive from Gaoler, in order to his being discharged.*

Vol. 1, p. 82.

WHEREAS by an Order of the House of Commons, a warrant was this day directed to the keeper of his Majesty's gaol of Newgate, to bring to the said House to-morrow morning William Middleton, esq., a prisoner in his custody, in order to his being discharged: These are therefore to require you to take into your custody the said William Middleton, in order to his being brought to the bar of the said House; for which this shall be your sufficient warrant. Given 12th April 1742.

To W. Odiarne, Esq.

Vol. 1, p. 163.

WHEREAS by an Order of the House of Commons a warrant was yesterday directed to the keeper of his Majesty's gaol of Newgate to bring to the said House this morning the body of Philip Ward, esq., now a prisoner in his custody, and him to deliver to you: These are therefore to require you to receive into your custody the said Philip Ward, in order to his being brought to the bar of the said House to be discharged; for which this shall be your sufficient warrant. Given under my hand this 10th day of February 1768.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons.

Vol. 1, p. 164.

BY virtue of an Order of the House of Commons, these are to require you to bring to the bar of the said House to-morrow morning the body of Mr. Joseph Hicky, now a prisoner in your custody, by Order of the said House, in order to his being discharged; for which this shall be your sufficient warrant. Given under my hand this 18th day of February 1768.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms, attending the House of Commons.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

Vol. 2, p. 23.

WHEREAS by an Order of the House of Commons a warrant was this day directed to the keeper of his Majesty's gaol of Newgate to bring to the said House this morning the body of Joseph Thornton, now a prisoner in his custody, and him to deliver to you: These are therefore to require you to receive into your custody the said Joseph Thornton, in order to his being brought to the bar of the said House to be discharged; for which this shall be your sufficient warrant. Given under my hand this 20th day of December 1768.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the said House, or his Deputy or Deputies.

To bring to Bar to be discharged.

Vol. 2, p. 58.

BY virtue of an Order of the House of Commons this day made, these are to require you to bring to the bar of this House immediately the body of Thomas Lewin, esq. now a prisoner in your custody by an Order of this House, in order to his being discharged; for which this shall be your sufficient warrant. Given under my hand the 31st day of January 1783.

(signed) *C. W. Cornwall*, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons.

VIII.—*To Gaoler to produce—to deliver to Serjeant.*

Vol. 2, p. 21.

BY virtue of an Order of the House of Commons this day made, these are to require you to bring in safe custody to the said House the body of Dennis Shade, now a prisoner in your custody, and hereof you are not to fail; for which this shall be your sufficient warrant. Given under my hand this 8th day of December 1768.

To the Keeper of the Prison of Bridewell,
in Tothill-fields, Westminster.

Vol. 2, p. 23.

BY virtue of an Order of the House of Commons this day made, you are hereby required to bring in safe custody to the said House to-morrow morning, the body of John Wilkes, esq., now a prisoner in your custody, if the said John Wilkes shall desire to be so brought up, and him to deliver into the custody of the Serjeant-at-Arms attending the said House; for which this shall be your sufficient warrant. Given under my hand this 26th day of January 1769.

Vol. 2, p. 28.

BY virtue of an Order of the House of Commons this day made, you are hereby required to bring in safe custody to the said House, to-morrow morning, the body of John Wilkes, esq., now a prisoner in your custody, to answer the matter of the charge of being the author and publisher of the introduction of the copy of a letter addressed to Daniel Penton, esq., chairman of the quarter sessions at Lambeth, and dated St. James's the 17th April 1768, contained in a certain newspaper intituled the St. James's Chronicle, or British Evening Post, from Thursday, December 8, to Saturday, December 10, 1768, printed by Henry Baldwin, at the Brittania Printing Office, No. 108, Fleet-street, if the said John Wilkes shall desire to be so brought up, and him to deliver into the custody of the Serjeant-at-Arms attending the said House; for which this shall be your sufficient warrant. Given under my hand this 26th January 1769.

To the Marshall of his Majesty's Prison
of King's Bench.

BY virtue of an Order of the House of Commons this day made, these are to require you to deliver to the Serjeant-at-Arms attending the said House, or his deputy, the body of James Rogers, now a prisoner in your custody, by order of the said House, in order to his being brought to the bar of the said House on Monday morning next, to be discharged; for which this shall be your sufficient warrant. Given, &c. the 1st of December 1775.

(signed) *Fletcher Norton*, Speaker.

To the Keeper of his Majesty's
Gaol of Newgate.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

Page 34.

THE House of Commons having this day ordered that Thomas Noxon and Thomas Butler, late sheriffs of the city of Coventry, committed by this House to his Majesty's gaol of Newgate, for not having made any return of Members to serve in Parliament at the last general election for the said city, be discharged from their confinement there, and be, for their said offence, committed to the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to deliver the bodies of the said Thomas Noxon and Thomas Butler into the custody of the Serjeant-at-Arms attending the said House, or his deputy; for which this shall be your sufficient warrant. Given under my hand the 16th day of March 1781.

(signed) *C. W. Cornwall,* Speaker.

To the Keeper of his Majesty's
Gaol of Newgate.

BY virtue of an Order of the House of Commons this day made, you are hereby required to bring in safe custody, this day, Joshua Haughton Garrett and James Garrett, now prisoners for debt in his Majesty's prison of the King's Bench, to the Select Committee appointed to inquire into the existence of any corrupt practices in regard to the appointment and nomination of writers or cadets in the service of the East India Company, in order to their being examined as witnesses touching the same; and so from time to time, as often as their attendance shall be thought necessary by the said Committee, as you will answer the contrary at your peril. Given under my hand the 22d day of February 1809.

(signed) *C. A.,* Speaker.

To the Marshal of his Majesty's
Prison of the King's Bench.

WHEREAS, by an Order of the House of Commons, a warrant has been directed to the keeper of his Majesty's gaol of Newgate to bring to the said House to-morrow morning the body of Daniel Butler, now a prisoner in his custody, and him to deliver to you: These are, therefore, to require you to receive into your custody to-morrow morning the body of the said Daniel Butler, in order to his being brought to the bar of the said House to be discharged; for which this shall be your sufficient warrant. Given under my hand the 20th day of April 1809.

(signed) *C. A.,* Speaker.

To the Serjeant-at-Arms attending
the House of Commons.

Vol. 7, p. 295.

LORD COCHRANE, Member for Westminster, having been convicted of a misdemeanor, in conspiring with others in raising the price of the funds by propagating a rumour of the death of Bonaparte, he was ordered to attend in his place on Friday the 1st July 1814, if he should judge it convenient to defend himself on occasion of an intended motion for his expulsion from the House of Commons. On this occasion the Speaker's warrant was as follows:

By virtue of an Order of the House of Commons this day made, these are to require you to bring in custody to the said House, upon this day sevennight, the body of the Right honourable Lord Cochrane, now a prisoner in your custody, if the said Lord Cochrane shall desire to be so brought up, and him to deliver into the custody of the Serjeant-at-Arms attending the said House; for which this shall be your sufficient warrant. Given under my hand the 24th day of June 1814.

C. A., Speaker.

To the Marshal of his Majesty's Prison
of the King's Bench.

Vol. 8, fo. 26.

3d August. THOMAS MOORE KETTLE was ordered to be sent down to Norwich, in the custody of the Serjeant-at-Arms, for the purpose of being produced as a witness before the grand jury for the county of Norfolk.

By virtue of an Order of the House of Commons this day made, you are hereby required forthwith to bring in safe custody to the said House the body of Thomas Moore Keith, committed to his Majesty's gaol of Newgate by an Order of the said House, made the 30th day of July last, and him to deliver to the Serjeant-at-Arms attending the said House; for which this shall be your sufficient warrant. Given under my hand the 3d day of August 1835.

(signed) *J. A.,* Speaker.

To the Keeper of his Majesty's Gaol of Newgate.

Warrants for Attendance of Witnesses, &c.

By virtue of an Order of the House of Commons this day made, you are hereby required forthwith to bring in safe custody to the said House the bodies of John Bury Dasent, esq., and John Pilgrim, committed to his Majesty's gaol of Newgate by an order of the said House made the 15th day of June instant, and them to deliver to the Serjeant-at-Arms attending the said House; for which this shall be your sufficient warrant. Given under my hand the 26th day of June 1835. Vol. 8, fo. 10.

(signed) *J. A.*, Speaker.

To the Keeper of his Majesty's Gaol of Newgate.

IX.—*To Gaoler, to detain and bring to the Bar.*

Whereas a complaint hath this day been made to the House of Commons, that William Edwards, otherwise William Edwards Moring, now a prisoner in your custody, hath counterfeited the handwriting of several Members of the said House, upon covers for several letters, in order to prevent their being charged with the duty of postage: And whereas the said House have thereupon ordered that the said William Edwards, otherwise William Edwards Moring, should stand committed to his Majesty's gaol of Newgate, and that he should be brought to the bar of the said House on Thursday morning next, to be examined touching the matter of the said complaint: These are therefore to require you to detain the said William Edwards, otherwise William Edwards Moring, in your custody, and to bring him to the bar of the said House, on Thursday morning next, at nine of the clock; for which this shall be your sufficient warrant. Given under my hand this 24th day of February 1764. Vol. 1, p. 61.

To the Keeper of his Majesty's Goal of Newgate.

Whereas the House of Commons hath this day ordered that John Armesley Shee *alias* Calvert, having, in the evidence given by him before the Committee appointed to inquire into the existence of any abuses in the patronage of the East India Company, been guilty of gross prevarication, and having since absconded in order to avoid being taken into custody, pursuant to an Order of the House of Commons, be, for his offences, committed to his Majesty's gaol of Newgate: These are therefore to require you to receive into your custody, and safely keep, the body of the said John Armesley Shee, *alias* Calvert, during the pleasure of the said House; and you are moreover required and directed, by virtue of another Order of the House of Commons, this day made, to bring the said John Armesley Shee, *alias* Calvert, when he shall be a prisoner in your custody, to the said Committee, in order to his being examined, from time to time, as often as the said Committee shall think fit to require the same; for which, as well as for receiving the said John Armesley Shee, *alias* Calvert, into your custody, this shall be your sufficient warrant. Given under my hand the 28th day of February 1809.

(signed) *C. A.*, Speaker.

To the Keeper of his Majesty's Gaol of Newgate.

X.—*To Gaoler, to receive from Serjeant.*

By virtue of an Order of the House of Commons this day made, these are to require you, the keeper of his Majesty's prison of Newgate, to take into your custody the body of William Edwards, otherwise William Edwards Moring, whom the said House hath this day judged guilty of an high misdemeanor and a notorious breach of the privilege of the said House, by having counterfeited the handwriting of several Members of the said House upon several letters and covers for letters, in order to prevent their being charged with the duty of postage, and him the said William Edwards, otherwise William Edwards Moring, safely to keep in your custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 1st day of March 1764. Vol. 1, p. 63.

To the Keeper of his Majesty's Prison of Newgate.

By virtue of an Order of the House of Commons this day made, these are to require you, the keeper of his Majesty's prison of Newgate, to take into your custody the body of James Campinott, for having been guilty of buying and selling a very great number of franks, on which the names of several Members of the said House were forged, and selling the same he knew the names of such Members were forged, and him the said James Campinott safely to keep in your custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 16th March 1764. Vol. 1, p. 70.

To the Keeper of his Majesty's Prison of Newgate.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

WHEREAS the House of Commons have this day ordered, that John Wilkes, esq., be remanded into the custody in which, and to the prison from which, he was this day brought: These are therefore to require you to deliver the body of the said John Wilkes, now a prisoner in your custody, into the custody of the marshal of his Majesty's prison of King's Bench; for which this shall be your sufficient warrant. Given under my hand this 27th day of January 1769.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the said House or his Deputy or Deputies.

Vol. 2p, .32.

WHEREAS the House of Commons have this day adjudged that M. B. Allen, esq., having presumed to challenge Sir William Meredith, baronet, a Member of the said House, for words by him spoken in a debate in the said House, is guilty of a high breach of a privilege of the said House: And whereas the said House of Commons have this day adjudged that the said M. B. Allen be, for his said offence, committed to his Majesty's gaol of Newgate: These are, therefore, to require you to receive into your custody the body of the said M. B. Allen, and him to keep in safe custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 3d Fe bruary 1769.

To the Keeper of his Majesty's Gaol of Newgate.

Vol. 2, p. 77.

WHEREAS the House of Commons have this day adjudged that Brass Crosby, esq., Lord Mayor of the City of London, having discharged out of the custody of one of the messengers of The House, J. Miller (for whom the newspaper, intituled the "London Evening Post," from Thursday, March 7th, to Saturday, March 9th 1771, purports to be printed, and of which paper a complaint was made in the House of Commons on the 12th day of this instant March, and who for his contempt in not obeying the Order of The House for his attendance on The House upon Thursday, the 14th day of this instant March, was ordered to be taken into the custody of the Serjeant-at-Arms, or his Deputy, attending the House; and who, by virtue of the Speaker's warrant issued under the said Order, had been taken into the custody of the said messenger), and having signed a warrant against the said messenger for having executed the said warrant of the Speaker, and having held the said messenger to bail for the same, is guilty of a breach of the privilege of the House: And whereas the said House have this day ordered that the said Brass Crosby, esq., the Lord Mayor of the City of London, and a Member of the House, be, for his said offence, committed to the Tower of London: These are, therefore, to require you to receive into your custody the body of the said Brass Crosby, esq., the Lord Mayor of the City of London, and him safely lodge, during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 27th day of March 1771.

(signed) *Flr. Norton*, Speaker.

To the Lieutenant of his Majesty's Tower of London, or his Deputy.

9th May 1771.—*N.B.* As soon as the guns began to fire, on the day that the King prorogued the Parliament, the Lord Mayor and Mr. Oliver left the Tower without any warrant of discharge.

Vol. 7, p. 67.

WHEREAS the House of Commons have adjudged that Alexander Morrice, having been duly summoned, by the Speaker's warrant, to attend to give evidence before the Select Committee appointed by the House of Commons for hearing and determining the merits of the petition of George Tierney, complaining of an undue election and return for the borough of Southwark, in the county of Surrey, and having disobeyed such summons, was thereby guilty of a breach of the privilege of this House: And whereas the said House have this day ordered that the said Alexander Morrice be, for his said offence, committed to his Majesty's gaol of Newgate: These are, therefore, to require you to receive into your custody the body of the said Alexander Morrice, and him safely keep during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand, the 8th day of December 1796.

(signed) *H. A.*, Speaker.

To the Keeper of his Majesty's Gaol of Nwegate.

Vol. 7, p. 250.

WHEREAS by an Order of the House of Commons made this morning, you were required to receive into your custody and safely keep, the body of Captain Huxley Sandon, during the pleasure of the said House: And whereas by an Order of the House of Commons, made this afternoon, you were required forthwith to bring the said Huxley Sandon in safe custody to the said House, and him to deliver into the custody of the Serjeant-at-Arms attending

attending the House of Commons: And whereas The House have this evening ordered that Captain Huxley Sandon be, for his former offence, recommitted to his Majesty's gaol of Newgate: These are therefore to require you again to receive into your custody and safely keep the body of the said Huxley Sandon during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 17th day of February 1809. Appendix, No. 4. — Warrants for Attendance of Witnesses, &c.

(signed) *C. A.*, Speaker.

To the Keeper of his Majesty's Gaol of Newgate.

The Serjeant's warrant was not circumstantial, he not requiring it so to be.

WHEREAS the House of Commons hath this day adjudged that John Gale Jones, having written and caused to be printed a certain paper, containing libellous reflections on the character and conduct of the said House and some of the Members thereof, is hereby guilty of a breach of the privileges of the said House: And whereas the House hath thereupon ordered that the said John Gale Jones be, for his said offence, committed to his Majesty's gaol of Newgate: These are therefore to require you to receive into your custody and safely keep, the body of the said John Gale Jones during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 21st day of February 1810. Vol. 7, p. 26.

(signed) *C. A.*, Speaker.

To the Keeper of his Majesty's Gaol of Newgate.

WHEREAS the House of Commons hath this day adjudged that Sir Francis Burdett bart., who has admitted that a letter signed "Francis Burdett," and a further part of a paper, intituled "Argument," in Cobbett's Weekly Register of March 14th, 1810, was printed by his authority (which letter and argument the said House hath resolved to be a libellous and scandalous paper, reflecting upon the just rights and privileges of the said House,) has been thereby guilty of a breach of the privileges of the said House: And whereas the House of Commons hath thereupon ordered that the said Sir Francis Burdett be, for his said offence, committed to his Majesty's Tower of London: These are therefore to require you to receive into your custody the body of the said Sir Francis Burdett, and him safely to keep during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 6th day of April 1810.

(signed) *C. A.*, Speaker.

To the Lieutenant of his Majesty's Tower
of London, or his Deputy.

WHEREAS the House of Commons hath this day ordered that William Prentice, having been guilty of a high breach of the privileges of this House in refusing to answer certain questions put to him by the Select Committee appointed to inquire into the matter of the petitions complaining of bribery at the last and former Great Yarmouth elections, be, for his said offence, committed to his Majesty's gaol of Newgate: These are therefore to require you, the keeper of his Majesty's gaol of Newgate, to receive into your custody the body of the said William Prentice, and him safely to keep in your custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 6th day of August 1835. Vol. 8. fo. 146.

(signed) *J. A.*, Speaker.

To the Keeper of his Majesty's Gaol of Newgate.

WHEREAS the Select Committee appointed to try and determine the matter of the petition of Alexander Higginson and others, complaining of an undue election and return for the borough of Great Marlow, has this day reported to the House of Commons, that, in the opinion of the said Committee, Richard Gibbons has been guilty of wilfully giving false evidence in his examination before them; and the House of Commons has thereupon ordered that the said Richard Gibbons, for his said offence, be committed to her Majesty's gaol of Newgate until the said House make further order in his case: These are to require you, the keeper of her Majesty's gaol of Newgate, to receive into your custody the body of the said Richard Gibbons, and him safely to keep in your custody until this House make further order in his case; for which this shall be your sufficient warrant. Given under my hand this 7th day of April 1842. Vol. 8, fo. 146.

(signed) *Charles Shaw Lefevre*, Speaker.

To the Keeper of Her Majesty's Gaol of Newgate.

Appendix, No. 4.

Warrants for Attendance of Witnesses, &c.

GENERAL WARRANTS TO SERJEANT, &c.

Strangers' Warrant.

By virtue of an Order of the House of Commons this day made, these are to require you to take into your custody any stranger or strangers that you shall see or be informed of to be in the House or Gallery, while the House or any Committee of the whole House, is sitting; and that no person so taken into custody be discharged out of custody without the special Order of The House; for which this shall be your sufficient warrant. Given under my hand the 6th day of October 1796.

(signed) *Henry Addington*, Speaker.

To Edward Colman, Esq., Serjeant-at-Arms attending the House of Commons, or his Deputy.

Footman's Warrant.

By virtue of an Order of the House of Commons this day made, these are to require you take into your custody all footmen that shall presume to come within the Lobby of The House, or upon the stairs leading thereto, and that no such footmen be discharged out of custody without the special order of The House; for which this shall be your sufficient warrant. Given under my hand the 6th day of October 1796.

(signed) *Henry Addington*, Speaker.

To Edward Colman, Esq. &c. &c. &c.

Preservation of Order.

Regulations on going to *St. Paul's* Church, Thursday, 23 April 1789.

Warrnt to the Justices of *Westminster* to assist in the Preservation of Order.

Whereas the House of Commons have this day directed, that, upon the occasion of their going to St. Paul's Church, on the 23d day of this instant April, certain regulations should be observed (a printed copy whereof is hereunto annexed): These are therefore to require you, his Majesty's justices of the peace for the city and liberty of Westminster, to assist in the preservation of order upon that occasion, and to take effectual care that the said regulations are duly observed; and all constables and other peace officers are hereby required to be aiding and assisting to you in the execution hereof; for which this shall be your warrant. Given under my hand the 21st day of April 1789.

(signed) *W. W. Grenville*, Speaker.

To his Majesty's Justices of ye Peace for the City and Liberty of Westminster.

Warrant to the High Bailiff of *Westminster* to assist in the Preservation of Order on 23d April.

Whereas the House of Commons have this day directed, that, upon the occasion of their going to St. Paul's Church on the 23d day of this instant April, certain regulations should be observed (a printed copy whereof is hereunto annexed): These are therefore to require you, the High-bailiff of the city and liberty of Westminster, or your deputy, to assist in the preservation of order upon that occasion, and to take effectual care that the said regulations are duly observed; and all constables and other peace officers are hereby required to be aiding and assisting to you, or your deputy, in the execution hereof; for which this shall be your warrant. Given under my hand the 21st day of April 1798.

(signed) *W. W. Grenville*, Speaker.

To the High Bailiff of the City and Liberty of Westminster, or his Deputy.

Serjeant's Warrant.

Whereas the House of Commons have this day directed, that upon the occasion of their going to St. Paul's Church on the 23d day of this instant April, certain regulations should be observed (a printed copy whereof is hereunto annexed): These are therefore to require you to take into your custody any person who may violate or obstruct the execution of the said regulations; and all mayors, bailiffs, sheriffs, constables, and other peace officers are hereby required to be assisting to you or your deputy or deputies in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 21st day of April 1789.

(signed) *W. W. Grenville*, Speaker.

To the Serjeant-at-Arms attending the House of Commons, or his Deputy or Deputies.

Appendix, No. 5.

WARRANTS FROM THE SPEAKER FOR TAKING INTO CUSTODY VARIOUS INDIVIDUALS.

[These Warrants were in the possession of Mr. Clementson, the Deputy Serjeant-at-Arms, and whose father also held that office before him.]

WARRANT to take Mr. *Hicky* into Custody.—15 February 1768.

Mr. Hicky.

WHEREAS the House of Commons have this day adjudged, that Mr. Joseph Hicky has been guilty of a corrupt attempt to obtain a seat in the said House, for a client by whom he was employed: And whereas the said House have this day Ordered, that the said Joseph Hicky be for the said offence taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said Joseph Hicky, and him to keep in safe custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 15th day of February 1768.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons.

J. Cust, Speaker.

WARRANT for taking into Custody Mr. *Oliver*.—25 March 1771.

Mr. Oliver.

WHEREAS the House of Commons have this day adjudged that Richard Oliver, Esq., a Member of the House, having signed a warrant for the committal of the messenger of The House, for having executed the warrant of the Speaker, issued under an Order of The House, and having held the said messenger to bail, is guilty of a breach of the privilege of the House: And whereas the said House hath also this day Ordered, that the said Richard Oliver, Esq., one of the Aldermen of the City of London, and a Member of The House, be for his said offence committed to the Tower of London; These are therefore to require you to receive into your custody the body of the said Richard Oliver, Esq., and him safely keep during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 25th day of March 1771.

To the Lieutenant of His Majesty's Tower of London, or his Deputy.

Flr. Norton, Speaker.

Spencer Compton, Esq., Speaker of the House of Commons, his Warrant to the Lieutenant of the Tower to take Mr. *Shippen* into Custody.—4 December 1717.

Mr. Shippen.

BY virtue of an Order of the House of Commons, this day made, these are to require you to take into your custody the body of William Shippen, Esq., who is by the said Commons ordered to be committed prisoner to His Majesty's Tower of London, for speaking words highly dishonourable to and unjustly reflecting on His Majesty's person and Government, and him safely to keep in your custody during the pleasure of this said House of Commons, for which this shall be your sufficient warrant. Given under my hand this 4th day of December, Anno Domini 1717.

To Hatton Compton, Esq. Lieutenant of the Tower of London, or to his Deputy.

Sp. Compton, Speaker.

WARRANT for taking *Nicholas Dunbar* into Custody.—3 April 1770.

Nicholas Dunbar.

WHEREAS the House of Commons have this day adjudged, that Fort-Major Nicholas Dunbar, was the author of a petition, and that he presented the same to this House, with a view to extort money from Mr. Fuller, and which petition the said House have resolved to be frivolous, vexatious, scandalous, and groundless: And whereas the said House have this day Ordered that the said Nicholas Dunbar be, for the said offence, taken into the custody

Appendix, No. 5.
Warrants for taking into Custody.

custody of the Serjeant-at-Arms attending the said House: These are therefore to require you to take into your custody the body of the said Nicholas Dunbar, and him to keep in safe custody, during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 3d day April 1770.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons.

Flr. Norton.

ORDER to bring *Nicholas Dunbar* to the Bar of The House, in order to his being Discharged.—6 April 1770.

BY virtue of an Order of the House of Commons, this day made, these are to require you to bring to the Bar of the said House, upon Monday morning next, the 9th day of this instant April, the body of Fort-Major Nicholas Dunbar, now a prisoner in your custody, by the Order of the said House, in order to his being discharged; for which this shall be your sufficient warrant. Given under my hand the 6th day of April 1770.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons.

Flr. Norton, Speaker.

WARRANT for taking *Brass Crosby,* Esq. Lord Mayor of the City of London, into Custody, and then to deliver him into the Custody of the Lieutenant of the Tower.—27 March 1771.

Brass Crosby, Esq.

WHEREAS the House of Commons have this day adjudged that Brass Crosby, Esq., Lord Mayor of the City of London, having discharged out of the custody of one of the messengers of The House, T. Miller, (for whom the newspaper, intituled the London Evening Post, from Thursday March 7th to Saturday March 9th, 1771, purports to be printed, and of which Paper a complaint was made in the House of Commons, on the 12th Day of this instant, March, and who, for his contempt in not obeying the Order of The House for his attendance on The House upon Thursday, the 14th day of this instant, March, was ordered to be taken into the custody of the Serjeant-at-Arms, or his deputy, attending The House; and who, by virtue of the Speaker's warrant, issued under the said Order, had been taken into the custody of the said messenger) and having signed a warrant against the said messenger for having executed the said warrant of the Speaker, and having held the said messenger to bail for the same, is guilty of a breach of the privilege of the said House: And whereas the said House have this day ordered that the said Brass Crosby, Esq., the Lord Mayor of the City of London, and a Member of The House, be for his said offence committed to the Tower of London: These are therefore to require you to take into your custody the body of the said Brass Crossby, Esq., the Lord Mayor of the City of London, and you are then forthwith to deliver the body of the said Brass Crosby the Lord Mayor of the City of London, into the custody of the Lieutenant of His Majesty's Tower of London, or his deputy; for which this shall be your sufficient warrant. Given under my hand the 27th day of March 1771.

To Nicholas Bonfoy, Esq., Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy.

Flr. Norton, Speaker.

DEPUTY Lieutenant of the Tower, his Receipt for the body of *Brass Crosby,* Esq. Lord Mayor of the City of London.—28 March 1771.

Tower, 28 March 1771.

RECEIVED then of John Clementson, Esq., Deputy Serjeant-at-Arms, the body of Brass Crosby, Esq., Lord Mayor of the City of London, committed to the Tower by Order of the House of Commons the 27th of March 1771.

Charles Rainsford,
Deputy Lieutenant of the Tower.

WARRANT to take *Richard Oliver,* Esq., Alderman of the City of London, into Custody, and to deliver him over to the Lieutenant of the Tower.—25 March 1771.

Rich. Oliver, Esq.

WHEREAS the House of Commons have this day adjudged that Richard Oliver, Esq., a Member of The House, having signed a warrant for the commitment of the messenger of The House, for having executed the warrant of the Speaker issued under an Order of The House, and having held the said messenger to bail, is guilty of a breach of the privilege of The House: And whereas the said House have this day Ordered that the said Richard Oliver, Esq., one of the Aldermen of the City of London, and a Member of The House, be for

for his said offence committed prisoner to the Tower of London: These are therefore to require you to take into your custody the body of the said Richard Oliver, Esq., and you are then forthwith to deliver the body of the said Richard Oliver, Esq., into the custody of the Lieutenant of His Majesty's Tower of London, or his Deputy; for which this shall be your sufficient warrant. Given under my hand the 25th Day of March 1771.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy.

Flr. Norton, Speaker.

LIEUTENANT of the Tower's Receipt for Mr. *Alderman Oliver*.—25 March 1771.

Tower, 26 March 1771.

RECEIVED then of John Clementson, Esq., Deputy Serjeant-at-Arms, the body of Richard Oliver, Esq., one of the Aldermen of the City of London, committed to the Tower by Order of the House of Commons the 25th day of March 1771.

Charles Rainsford, Deputy Lieutenant.

WARRANT for taking *Henry Sampson Woodfall* into Custody.—14 February 1774.

H. S. Woodfall.

WHEREAS the House of Commons have this day adjudged that Henry Sampson Woodfall, having printed and published a letter addressed to Sir Fletcher Norton, knight, Speaker of The House, in the Public Advertiser of Friday last, which letter The House hath resolved, *nemine contradicente*, to be "a false, malicious, and scandalous libel, highly reflecting on the character of the Speaker of The House, to the dishonour of The House, and in violation of the privileges thereof," is thereby guilty of a breach of the Privilege of The House: And whereas the said House have this day Ordered that the said Henry Sampson Woodfall be for his said offence taken into the custody of the Serjeant-at-Arms attending the said House, the said Henry Sampson Woodfall having, at the Bar of the said House, confessed that he printed and published the said letter, and having informed The House from whom he received it, and having submitted himself to the mercy of The House: These are therefore to require you forthwith to take into your custody the body of the said Henry Sampson Woodfall, and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, under-sheriffs, constables, and headboroughs, and every other person and persons are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 14th day of February 1774.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy.

Flr. Norton, Speaker.

ORDER for the Attendance of the Rev. *John Horne*.—14 February 1774.

Lunæ, 14° *die Februarii*, 1774.

John Horne.

THE House of Commons having on Friday last resolved, *nemine contradicente*, that a letter in a newspaper, intituled "The Public Advertiser, Friday, February 11, 1774," and purporting to be printed for H. S. Woodfall, No. 1, the corner of Ivy-lane, Paternoster-row, addressed to Sir Fletcher Norton, knight, Speaker of the House of Commons, reflecting on his character and on his conduct as Speaker of this House, in relation to an application to The House by petition for an inclosure of lands, in the parish of Tottington, in the county of Norfolk, is a false, malicious, and scandalous libel, highly reflecting on the character of the Speaker of this House, to the dishonour of this House, and in violation of the privileges thereof: And the said Henry Sampson Woodfall having, at the Bar of this House this day, informed this House that the said letter was delivered to him by the Rev. John Horne, Ordered, that the said Rev. John Horne do attend this House upon Wednesday next.

J. Hatsell, Cl. Dom. Com.

WARRANT for taking into Custody the Rev. Mr. *John Horne*.—16 February 1774.

WHEREAS the House of Commons did this day adjudge that the Rev. John Horne, having received an Order of the said House for his attendance on the said House this day, and having neglected to obey such Order, is guilty of a contempt of the authority and of a breach of the privilege of the said House: And whereas the said House of Commons did this

Appendix, No. 5.

Warrants for taking into Custody.

this day order that the said Rev. John Horne be, for his said contempt and breach of privilege, taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you forthwith to take into your custody the body of the said Reverend John Horne, and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, under-sheriffs, constables, and headboroughs, and every other person and persons are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 16th day of February 1774.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy.

Flr. Norton, Speaker.

WARRANT for bringing to the Bar the Rev. Mr. *John Horne,* to be Discharged.—2 March 1774.

BY virtue of an Order of the House of Commons, these are to require you to bring to the Bar of the said House immediately the body of Henry Sampson Woodfall, now a prisoner in your custody, by Order of the said House, in order to his being discharged; for which this shall be your sufficient warrant. Given under my hand the 2d day of March 1774.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy.

Flr. Norton, Speaker.

SPEAKER'S Warrant for the Commitment of *Thomas Howell* to Newgate.—27 April 1775.

Thomas Howell.

THE House of Commons having this day ordered that Thomas Howell, having grossly prevaricated in giving evidence before a Committee of the whole House, to whom the Bill to incapacitate certain persons therein mentioned from voting at elections of Members to serve in Parliament, and for preventing bribery and corruption in the election of Members to serve in Parliament for the borough of Hindon, in the county of Wilts, be for his said offence committed to His Majesty's gaol of Newgate. These are to require you to take into your custody the body of the said Thomas Howell, and you are then forthwith to deliver the body of the said Thomas Howell into the custody of the keeper of His Majesty's gaol of Newgate; for which this shall be your sufficient warrant. Given under my hand the 27th day of April 1775.

To Nicholas Bonfoy, Esq. Serjeant-at-Arms attending the House of Commons, or John Clementson, Esq. his Deputy.

Flr. Norton, Speaker.

SPEAKER'S Warrant to commit *Thomas Howell* to Newgate.—1775.

THE House of Commons having this day ordered that Thomas Howell, having grossly prevaricated in giving evidence before a Committee of the whole House to whom the Bill to incapacitate certain persons therein mentioned from voting at elections of Members to serve in Parliament, and for preventing bribery and corruption in the election of Members to serve in Parliament for the borough of Hindon, in the county of Wilts, be for his said offence committed to His Majesty's Gaol of Newgate: These are to require you to receive into your custody and safely keep the body of the said Thomas Howell; for which this shall be your sufficient warrant. Given under my hand the 27th day of April 1775.

Flr. Norton, Speaker.

To the Keeper of His Majesty's Gaol of Newgate.

THE House of Commons having this day Ordered that Thomas Howell, committed by this House to His Majesty's gaol of Newgate, for having grossly prevaricated in giving evidence before a Committee of this House, be discharged from his confinement there, and be for his said offence committed to the prison of the Gatehouse: These are therefore to require you to receive into your custody the body of the said Thomas Howell, and you are then forthwith to deliver the body of the said Thomas Howell into the custody of the keeper of the prison of the Gatehouse, for which this shall be your sufficient warrant. Given under my hand the 1st day of May 1775.

To the Serjeant-at-Arms attending the House of Commons, or his Deputy.

Flr. Norton, Speaker.

SPEAKER's Warrant to take *John Becket Barker* into Custody.—27 April 1775.

J. B. Barker.

THE House of Commons having this day ordered that John Becket Barker, who was ordered to attend the Committee of the whole House, to whom the Bill to incapacitate certain persons therein mentioned from voting at elections of Members to serve in Parliament, and for preventing bribery and corruption in the election of Members to serve in Parliament for the borough of Hindon, in the county of Wilts, is committed, had not attended, and that it appeared to the said Committee that the said Thomas Spencer had yesterday attended this House, in pursuance of their Order, on the second reading of the said Bill, but had purposely kept out of the way, in order to avoid being served with the Order of this House for his attendance on the said Committee this day, be sent for in the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to bring the body of the said John Becket Baker, to the said House; and all mayors, bailiffs, sheriffs, under-sheriffs, constables, headboroughs and other officers, are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient. Given under my hand the 27th day of April 1775.

F. Norton, Speaker.

To Nicholas Bonfoy, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

SPEAKER's Warrant for taking *Thomas Noxon* and *Thomas Butler* into Custody, to deliver them to the Keeper of Newgate.—15 March 1781.

T. Nixon and T. Butler.

WHEREAS the House of Commons have this day adjudged, that Thomas Noxon and Thomas Butler, late sheriffs of the city of Coventry, not having made any return of Members to serve in Parliament at the last general election for the said city, are thereby guilty of a high violation of the law, and a gross breach of the privileges of this House: * * * * * * * * * And whereas the said House have also this day ordered, that the said Thomas Noxon and Thomas Butler be for their said offence committed prisoners to his Majesty's gaol of Newgate; These are therefore to require you to take into your custody the bodies of the said Thomas Noxon and Thomas Butler, and forthwith deliver them over into the custody of the keeper of the said gaol of Newgate; and all mayors, bailiffs, sheriffs, under-sheriffs, constables and headboroughs, and every other person and persons, are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 15th day of March 1781.

C. W. Cornwall, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

SPEAKER's Warrant for discharging *Thomas Noxon* and *Thomas Butler* from Newgate, and taking them into the Custody of the Serjeant-at-Arms.—16 March 1781.

THE House of Commons having this day ordered that Thomas Noxon and Thomas Butler, late sheriffs of the city of Coventry, committed by this House to his Majesty's gaol of Newgate, for not having made any return of Members to serve in Parliament at the last general election for the said city, be discharged from their confinement there, and be, for their said offence, committed to the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to receive into your custody the bodies of the said Thomas Noxon and Thomas Butler, and them safely keep during the pleasure of this House; for which this shall be your sufficient warrant. Given under my hand the 16th day of March 1781.

C. W. Cornwall, Speaker.

To Edward Colman, Esq. Serjeant-at-Arms
attending the House of Commons.

WARRANT for bringing Mr. *Noxon* and Mr. *Butler* (late Sheriffs of Coventry), to the Bar, in order to be discharged.—26 March 1781.

BY virtue of an Order of the House of Commons, These are to require you to bring to the Bar of this House to-morrow morning, the bodies of Thomas Noxon and Thomas Butler, now prisoners in your custody by Order of this House, in order to their being discharged; for which this shall be your sufficient warrant. Given under my hand the 26th day of March 1781.

C. W. Cornwall, Speaker.

To Edward Colman, Esq. Serjeant-at-Arms
attending the House of Commons.

Appendix, No. 5.

Warrants for taking into Custody.

SPEAKER's Warrant for taking *Richard Bawden*, Clerk, into Custody.—22 March 1781.

Richard Bawden.

THE House of Commons having this day ordered, that the Reverend Richard Rawden having been declared by this House to be the contriver, promoter, and prosecutor of a frivolous and vexatious petition, and highly injurious to John Sharland, and that his conduct in so doing has been scandalous and malicious, be, for his said offence, taken into the custody of the Serjeant-at-Arms attending this House; These are therefore to require you to take into your custody the body of the said Richard Bawden, and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, under sheriffs, constables, and headboroughs, and every other person or persons, are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 22d day of March 1781.

To Edward Colman, Esq. Serjeant-at-Arms attending the House of Commons.

C. W. Cornwall, Speaker.

SPEAKER's Warrant for taking *Thos. Gardiner*, Mr. Lewin's servant, into Custody.—1 May 1782.

Thomas Gardiner.

WHEREAS the House of Commons have this day adjudged that Thomas Gardiner, servant to Lewin (late secretary to the Council of Madras), having disobeyed an Order of the Secret Committee appointed to enquire into the Causes of the War in the Carnatic and of the Condition of the British Possessions in those Parts, for his attendance on the said Committee this morning, is thereby guilty of a breach of the privilege of this House: And whereas this House have thereupon ordered that the said Thomas Gardiner be for his said offence taken into the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to take into your custody the body of the said Thomas Gardiner, and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, under-sheriffs, constables, headboroughs, and other officers are hereby required to be aiding and assisting to you or your deputy in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 1st day of May 1782.

To Edward Colman, Esquire, Serjeant-at-Arms attending the House of Commons, or his Deputy.

C. W. Cornwall, Speaker.

SPEAKER's Warrant for taking *Thomas Lewin*, Esq. into Custody.—21 January 1783.

WHEREAS the House of Commons did on the 1st day of May in the last session of Parliament, adjudge that Lewin, esquire (late secretary to the Council of Madras) having disobeyed several Orders of a Committee of this House for his attendance on the said Committee, was thereby guilty of a breach of the privilege of this House, and that he, the said Lewin, esquire, should be taken into the custody of the Serjeant-at-Arms attending this House: And whereas the said House of Commons did, on the 8th day of May in the last session of Parliament, in pursuance of a Report made from the said Committee that Thomas Lewin, esquire, late secretary to the Council of Madras, had withdrawn himself from this kingdom, also adjudge that the said Thomas Lewin had absconded in order to avoid being examined before the said Committee, and the said House did resolve that an address should be presented to His Majesty to issue a proclamation for discovering, apprehending, and detaining the said Thomas Lewin: And whereas the House of Commons have this day ordered, that the said Thomas Lewin be for his said offence taken into the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to take into your custody the body of the said Thomas Lewin, and him safely keep in ustody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand the 21st day of January 1783.

To Edward Colman, Esquire, Serjeant-at-Arms attending the House of Commons, or his Deputy.

C. W. Cornwall, Speaker.

SPEAKER's Warrant for the Discharge of *Thomas Lewin*, Esq.—31 January 1783.

T. Lewin, Esq.

BY virtue of an Order of the House of Commons this day made, These are to require you to bring to the Bar of this House immediately the body of Thomas Lewin, esquire, now a prisoner in your custody by Order of this House, in order to his being discharged; for which this shall be your sufficient warrant. Given under my hand the 31st day of January 1783.

To Edward Colman, Esquire, Serjeant-at-Arms attending the House of Commons, or his Deputy.

C. W. Cornwall, Speaker.

ORDER for delivering *Warren Hastings*, Esq. to the Black Rod, on producing Order of the House of Lords for receiving him into Black Rod's Custody.—12 May 1787.

BY virtue of an Order of the House of Commons this day made, These are to require you to deliver Warren Hastings, esquire, late Governor-general of Bengal, now in your custody by Order of the said House, into the custody of the Gentleman Usher of the Black Rod attending the House of Lords, he producing to you the Order of the House of Lords for receiving the said Warren Hastings, esquire, into his custody; for which this shall be your sufficient warrant. Given under my hand the 21st day of May 1787.

To Edward Colman, Esquire,
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

C. W. Cornwall, Speaker.

ORDER of the HOUSE of LORDS for taking into the Custody of the Black Rod *Warren Hastings*, Esq., and the Black Rod's receipt for him on the back.—21 May 1787.

Die Lunæ, 21° *May* 1787.

WHEREAS Warren Hastings, esquire, late Governor-general of Bengal, now stands impeached before this House by the Commons of Great Britain in Parliament assembled, of divers high crimes and misdemeanors, and is now in the custody of the Serjeant-at-Arms attending the House of Commons; It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod attending this House, his deputy or deputies, do forthwith take into their custody the said Warren Hastings, esquire, and keep him in safe custody until further Order of this House, and this shall be a sufficient warrant in that behalf.

To Sir Francis Molyneux, Knight,
Gentleman Usher of the Black Rod attending this House, his Deputy and Deputies, and every of them.

Ashley Cowper,
Clerk of Parliament.

21 *May* 1787.

Then received the body of the within named Warren Hastings, esq. from the hands of Mr. Serjeant Colman.

F. Molyneux.

The Serjeant-at-Arms attending this House acquainted the House, that in pursuance of their Order of Monday last, he did, on the same day, deliver Warren Hastings, esq. to the Gentleman Usher of the Black Rod, and had taken a discharge for him on the back of the Lords' Order.

SPEAKER'S Warrant for taking *John Maltby* into Custody, who was committed by Warrant from the Chairman of the Committee for trying the *Colchester* Election, for twenty-four hours, pursuant to the Act of last Session.—14 March 1789.

John Maltby.

WHEREAS the chairman of the Select Committee appointed by the House of Commons for hearing and determining the merits of the petition of George Tierney, esquire, and also the petition of George Jackson, esquire, severally complaining of an undue election and return for the borough of Colchester, in the county of Essex, and also complaining that the said return was not a return of a Member to serve in Parliament, hath this day reported, that he was directed by the said Select Committee to acquaint the House that John Maltby, being called as a witness before the said Select Committee, had grossly prevaricated in giving his evidence, and that he had disobeyed the order of the said Select Committee, to produce to the said Select Committee the public books of the parish of Saint Peter, in the said borough of Colchester, he being overseer of the poor of the said parish, and having the said books in his custody; the said Select Committee had, according to the power given them by an Act passed in the last session of Parliament, intituled, "An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament," committed the said John Maltby to the custody of the Serjeant-at-Arms attending this House: And whereas this House hath thereupon adjudged that the said John Maltby having grossly prevaricated in giving his evidence before the Select Committee appointed to try and determine the merits of the petition of George Tierney, esquire, and also the petition of George Jackson, esquire, severally complaining of an undue election and return for the borough of Colchester, in the county of Essex, and also complaining that the said return was not a return of a Member to serve in Parliament; and also having disobeyed the order of the said Select Committee to produce to the said Select Committee the books of the parish of Saint Peter, in the said borough, of which parish he is overseer of the poor, do, for his said offences, stand committed to the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to take unto your custody the body of the said John Maltby, and him safely keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, constables, headboroughs, and other officers, are hereby required

Appendix, No. 5.

Warrants for taking into Custody.

to be aiding and assisting to you or your deputy in the execution hereof; for which shis shall be your sufficient warrant. Given under my hand the 14th day of March 1789.

To Edward Coleman, Esquire,
Serjeant-at-Arms, attending the House of Commons,
or his Deputy.

W. W. Grenville, Speaker.

By virtue of an Order of the House of Commons this day made, These are to require you to bring to the Bar of this House immediately the body of John Maltby, now a prisoner in your custody by Order of this House, in order to his being discharged; for which this shall be your sufficient warrant. Given under my hand the 16th day of March 1789.

To Edward Colman, Esquire,
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

W. W. Grenville, Speaker,

SPEAKER'S Warrant for taking *James Trotter* into the Serjeant's Custody, for disobeying the Speaker's Warrant, &c.—28 February 1803.

Lunæ, 28° *die Februarii*, 1803.

James Trotter.

WHEREAS the Chairman of the Select Committee appointed by the House of Commons for hearing and determining the matter of the petitions of Captain Alexander Cochrane and of Sir John Henderson, baronet, severally complaining of an undue election and double return for the class or district of burghs in Scotland, consisting of Dunfermline, Stirling, Innerkeithing, Culross, and Queensferry,--Hath this day reported, "That he was directed by the said Committee to report to the House, that James Trotter, having been duly summoned by the Speaker's Warrant, and also by an order signed by the Chairman of the said Committee, to attend to give evidence before the said Committee, had disobeyed such warrant and order, and had not appeared in pursuance thereof:" And whereas this House hath thereupon adjudged that the said James Trotter be, for his said offence, taken into the custody of the Serjeant-at-Arms attending this House: These are therefore to require you to take into your custody the body of the said James Trotter, and him safely keep during the pleasure of this House; and all mayors, bailiffs, sheriffs, under-sheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy in the execution thereof; for which this shall be your sufficient warrant. Given under my hand this 28th day of February 1803.

Chas. Abbot, Speaker.

To Edward Coleman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

SERJEANT'S Warrant to bring to the Bar *James Trotter*.

Veneris, 25° *die Martii*, 1803.

BY virtue of an Order of the House of Commons this day made, These are to require you to bring to the Bar of the said House, on Monday next, the body of James Trotter, now a prisoner in your custody by Order of the said House; for which this shall be your sufficient warrant. Given under my hand this 25th day of March 1803.

Chas. Abbot, Speaker.

To the
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

WARRANT for taking *John Dayman* into Custody.—11 June 1804.

Lunæ, 11° *die Junii*, 1804.

Mr. J. Dayman.

WHEREAS the House of Commons hath this day adjudged "that Mr. John Dayman, under-sheriff of the county of Cornwall, in annexing to the writ the indenture complained of in the petition of William Huskisson, esq. respecting the last return of a Member to serve in Parliament for the borough of Liskeard, in the county of Cornwall, acted contrary to his duty, and in violation of the privileges of this House:" And whereas the said House hath this day ordered, "that the said Mr. John Dayman be for his said offence taken into the custody of the Serjeant-at-Arms attending this House:" These are therefore to require you to take into your custody the body of the said John Dayman, and him to keep in your custody during the pleasure of the said House; for which this shall be your sufficient warrant. Given under my hand this 11th day of June 1804.

Chas. Abbot, Speaker.

To the
Serjeant-at-Arms attending the House of Commons.

WARRANT for discharge of *J. Dayman.*—13 June 1804.

Mercurii, 3° *die Junii,* 1804.

BY virtue of an Order of the House of Commons this day made, These are to require you to bring to the Bar of the said House to-morrow morning, the body of Mr. John Dayman, now a prisoner in your custody by Order of the said House, in order to his being discharged; for which this shall be your sufficient warrant. Given under my hand this 13th day of June 1804.

To the Serjeant-at-Arms attending the House of Commons.

Chas. Abbot, Speaker.

To the Serjeant-at-Arms.—The SPEAKER's Warrant to take *Robert Albion Cox,* Esq. and Sir *William Rawlins,* Knt., late Sheriffs for the County of *Middlesex,* into Custody, and deliver them over to the Keeper of Newgate.—11 March 1805.

Lunæ, 11 *die Martii,* 1805.

R. A. Cox, Esq. and Sir W. Rawlins, Knt.

WHEREAS the Chairman of the Select Committee appointed by the House of Commons to try and determine the matter of the several petitions complaining of an undue election and return for the county of Middlesex, did on the 9th day of July last report several resolutions of the said Committee to the House, as followeth:

Resolved: That it appears to this Committee, that on the 13th, 14th, and 15th days of the poll, on the first of which days there was a considerable majority of votes in favour of William Mainwaring, esq., the Sheriff Robert Albion Cox, esq., and Sir William Rawlins, knt., wilfully, knowingly, and corruptly, did admit to poll for Sir Francis Burdett, bart. upwards of 300 persons claiming to vote under a fictitious right as proprietors of a mill, purported to be situate in the parish of Isleworth, and called the Good Intent Mill, by which means a colourable majority was obtained in favour of Sir Francis Burdett, who was thereby returned as having the greatest number of legal votes.

Resolved: That it appears to this Committee, that on the 15th day, towards the close of the poll, after such majority was established, they rejected persons tendering their votes under the same circumstances.

Resolved: That it appears to this Committee, that the Sheriff at the poll acted in a judicial capacity by admitting counsel to argue the validity of such votes; that in other instances they refused to decide on the validity of votes which were objected to; and stated that they would admit any persons to poll who would take the oaths, declaring themselves to be only ministerial officers; thereby acting in a manner contradictory to their practice in other cases, and in flagrant violation of their duty.

Resolved: That it appears to this Committee, that the obvious tendency of their conduct was, to admit persons having no right to poll, and to afford the greatest encouragement to perjury.

And whereas the House of Commons having agreed to the said Resolutions, and having therefore resolved, That the said Robert Albion Cox, esq. and Sir William Rawlins, knt, by their conduct and practices at the said election, as stated in the foregoing Resolutions, as well as by refusing to refer to the assessments for the land-tax, acted in violation of their duty, contrary to law, and in breach of the privileges of this House; Hath thereupon adjudged, that the said Robert Albion Cox and Sir William Rawlins for their said offence be committed prisoners to his Majesty's gaol of Newgate: These are therefore to require you to take into your custody the bodies of the said Robert Albion Cox and Sir William Rawlins, and forthwith deliver them over into the custody of the keeper of the said gaol of Newgate; and all mayors, bailiffs, sheriffs, under-sheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy in the execution thereof; for which this shall be your sufficient warrant. Given under my hand the 11th day of March 1805.

To the Serjeant-at-Arms attending the House of Commons.

Charles Abbot, Speaker.

KEEPER of Newgate's Receipt for *R. A. Cox,* Esq. and Sir *W. Rawlins,* Knight.

RECEIVED, the 12th day of March 1805, of John Clementson, jun. esq., Deputy Serjeant-at-Arms, the bodies of Robert Albion Cox, esq. and Sir William Rawlins, knight, by virtue of a warrant under the hand of the Right honourable Charles Abbot, Speaker of the House of Commons.

(signed) *Jno. A. Newman,*
Keeper of His Majesty's Gaol of Newgate.

SERJEANT's Warrant to carry *J. Gale Jones* to Newgate.—21 February 1810.

Mercurii, 21° *die Februarii,* 1810.

J. Gale Jones.

WHEREAS the House of Commons hath this day adjudged, that John Gale Jones, having written and caused to be printed a certain paper containing libellous reflections on the character

Appendix, No. 5.

Warrants for taking into Custody.

character and conduct of the said House, and of some of the Members thereof, is thereby guilty of a high breach of the privileges of the said House: And whereas the House hath thereupon ordered, that the said John Gale Jones be, for his said offence, committed to his Majesty's gaol of Newgate: These are therefore to require you to take into your custody the body of the said John Gale Jones, and then forthwith deliver him over to the custody of the keeper of his Majesty's gaol of Newgate, for which this shall be your sufficient warrant. Given under my hand the 21st day of February 1810.

To the Serjeant-at-Arms
Attending the House of Commons.

Charles Abbott, Speaker.

Received from the custody of Mr. John Blake the body of the above-named John Gale Jones. Dated the 21st day of February 1810.

Jno. A. Newman,
Keeper of Newgate.

Martis, 20° *die Februarii*, 1810.

John Dean.

WHEREAS the House of Commons hath this day adjudged, that John Dean, having printed a certain paper containing libellous reflections on the character and conduct of this House, and of some of the Members thereof, is thereby guilty of a high breach of the privileges of the said House: And whereas the House hath thereupon ordered, that the said John Dean be, for his said offence, taken into the custody of the Serjeant-at-Arms attending the said House: These are therefore to require you forthwith to take into your custody the said John Dean, and him safely to keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, under sheriffs, constables, and headboroughs, and every other person or persons, are hereby required to be aiding and assisting to you in the execution thereof; for which this shall be your sufficient warrant. Given under my hand the 20th day of February 1810.

To the Serjeant-at-Arms
attending the House of Commons.

Charles Abbot, Speaker.

WARRANTS from the SPEAKER for taking into Custody Members of the House for neglecting their Service in Parliament, and for their Discharge.

WARRANT for taking Mr. *Roberts*, Member for Taunton, into Custody, for neglecting to attend his Service in Parliament.—15 February 1781.

J. Roberts, Esq.

BY virtue of an Order of the House of Commons this day made, These are to require you to take into your custody John Roberts, esq. a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand the 15th day of February 1781.

C. W. Cornwall, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons.

SPEAKER's Warrants to take Capt. *Berkeley*, a Member, into Custody, for neglecting to attend his Service in Parliament, and for his Discharge.—8 March 1843.

Hon. G. C. Berkeley.

BY virtue of an Order of the House of Commons this day made, These are to require you to take into your custody the Honourable George Cranfield Berkeley, a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand the 8th day of March 1793.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

Henry Addington, Speaker.

BY virtue of an Order of the House of Commons this day made, These are to require you to discharge out of your custody, at the rising of The House this day, the Honourable George Cranfield Berkeley, a Member of this House, now in your custody by Order of this House for neglecting to attend his service in Parliament, on his paying his fees; for which this shall be your sufficient warrant. Given under my hand the 8th day of March 1793.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

Henry Addington, Speaker.

SPEAKER'S Warrants to take Sir *William Young*, a Member, into Custody, for neglecting to attend his Service in Parliament, and for his Discharge.—8 March 1793.

Sir W. Young, Bart.

BY virtue of an Order of the House of Commons this day made, These are to require you to take into your custody Sir William Young, bart., a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand the 8th day of March 1793.

Henry Addington, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

BY virtue of an Order of the House of Commons this day made, These are to require you to discharge out of your custody, at the rising of the House this day, Sir William Young, bart., a Member of this House, now in your custody by Order of this House for neglecting to attend his service in Parliament, on his paying his fees; for which this shall be your sufficient warrant. Given under my hand the 8th day of March 1793.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

Henry Addington, Speaker.

SPEAKER'S Warrants to take *William Lee Antonie*, Esq., a Member, into Custody, for neglecting to attend his Service in Parliament, and for his Discharge.—13 March 1793.

W. Lee Antonie, Esq.

BY virtue of an Order of the House of Commons this day made, These are to require you to take into your custody William Lee Antonie, Esq., a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand the 13th day of March 1793.

Henry Addington, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

BY virtue of an Order of the House of Commons this day made, These are to require you to discharge, at the rising of the House this day, William Lee Antonie, esq., a Member of this House, now in your custody by Order of this House for neglecting to attend his service in Parliament, on his paying his fees; for which this shall be your sufficient warrant. Given under my hand the 13th day of March 1793.

Henry Addington, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

SPEAKER'S Warrants to take *John Harcourt*, Esq., a Member, into Custody, for neglecting to attend his Service in Parliament, and for his Discharge.—13 March 1793.

J. Harcourt, Esq.

BY virtue of an Order of the House of Commons this day made, These are to require you to take into your custody John Harcourt, esq., a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand the 13th day of March 1793.

(signed) *Henry Addington*, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

BY virtue of an Order of the House of Commons this day made, These are to require you to discharge, at the rising of the House this day, John Harcourt, esq., a Member of this House, now in your custody by Order of this House for neglecting to attend his service in Parliament, on his paying his fees; for which this shall be your sufficient warrant. Given under my hand the 13th day of March 1793.

Henry Addington, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

Appendix, No. 5.

Warrants for taking into Custody.

C. Taylor, Esq.

SPEAKER'S Warrant to take *Clement Taylor*, Esq., a Member, into Custody, for neglecting to attend his Service in Parliament, and for his Discharge.—8 March 1793.

BY virtue of an Order of the House of Commons this day made, these are to require you to take into your custody Clement Taylor, esq., a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand the 8th day of March 1793.

Henry Addington, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

BY virtue of an Order of the House of Commons this day made, these are to require you to discharge out of your custody, at the rising of The House this day, Clement Taylor, esq, a Member of this House, now in your custody by Order of this House for neglecting to attend his service in Parliament, on his paying his fees; for which this shall be your sufficient warrant. Given under my hand the 8th day of March 1793.

Henry Addington, Speaker.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

SPEAKER'S Warrant to take the Earl of *Carhampton* into Custody, for neglecting to attend his Service in Parliament, and for his Discharge.—13 March 1793.

Earl of Carhampton.

BY virtue of an Order of the House of Commons this day made, these are to require you to take into your custody the Earl of Carhampton, a Member of this House, for neglecting to attend his service in Parliament; for which this shall be your sufficient warrant. Given under my hand the 13th day of March 1793.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

Henry Addington, Speaker.

BY virtue of an Order of the House of Commons this day made, these are to require you to discharge, at the rising of The House this day, the Earl of Carhampton, a Member of this House, now in your custody by Order of this House for neglecting to attend his service in Parliament, on his paying his fees; for which this shall be your sufficient warrant. Given under my hand the 13th day of March 1793.

To Edward Colman, Esq.
Serjeant-at-Arms attending the House of Commons,
or his Deputy.

Henry Addington, Speaker.

SPEAKER'S Warrant to take Mr. *Fuller* into Custody, a Member of The House.—27 February 1810.

Martis, 27° die Februarii, 1810.

Mr. Fuller.

WHEREAS the House of Commons hath this day adjudged that John Fuller, esq., a Member of the said House, be, for his offensive words and disorderly conduct, committed to the custody of the Serjeant-at-Arms attending the House of Commons: These are therefore to require you to take into your custody the body of the said John Fuller, and him safely to keep during the pleasure of the said House; and all mayors, bailiffs, sheriffs, under sheriffs, constables, headboroughs, and other officers, are hereby required to be aiding and assisting to you or your deputy or deputies in the execution hereof; for which this shall be your sufficient warrant. Given under my hand the 27th day of February 1810.

To the Serjeant-at-Arms
attending the House of Commons.

Chas. Abbot, Speaker.

ORDERS and WARRANTS to the Serjeant-at-Arms.—January 1770.

Warrants for taking into Custody.

Ordered, That the Serjeant-at-Arms attending this House do take care that there be no gaming or other disorders in the room appointed for the footmen attending the Members of this House to wait in. — Gaming.

Ordered, That the Serjeant-at-Arms attending this House do take into his custody such footmen as shall presume to disobey the Orders of The House; and that no such footmen be discharged out of custody but by the special Order of The House. — Footmen.

Ordered, That the Serjeant-at-Arms attending this House do, from time to time, when The House is going to prayers, give notice thereof to all Committees; and that all proceedings of Committees in a morning, after such notice, be declared to be null and void. — Committees—Prayers.

J. Hatsell, Cl. Dom. Com.

1770.—WARRANT for taking Strangers into Custody.

By virtue of an Order of the House of Commons this day made, these are to require you to take into your custody any stranger that you shall see, or be informed to be, in the House or gallery, while The House, or any Committee of the whole House, is sitting; and that no person so taken into custody be discharged out of custody without the special Order of The House; for which this shall be your sufficient warrant. Given under my hand this 23d day of January 1770. — Strangers.

To Nicholas Bonfoy, Esq. — *Flr. Norton*, Speaker.
Serjeant-at-Arms attending the House of Commons.

WARRANT for taking Footmen into Custody.

By virtue of an Order of the House of Commons, these are to require you to take into your custody all footmen that shall presume to come within the Lobby of the House, or upon the stairs leading thereto; and that no such footmen shall be discharged out of your custody, but by special Order of The House; for which this shall be your sufficient warrant. Given under my hand this 23d day of January 1770. — Footmen.

To Nicholas Bonfoy, Esq. — *Flr. Norton*, Speaker.
Serjeant-at-Arms attending the House of Commons.

1774.

Ordered, That the Serjeant-at-Arms attending this House do, from time to time, take into his custody any stranger or strangers that he shall see, or be informed of to be, in the House or gallery, while The House, or any Committee of the whole House, is sitting; and that no person so taken into custody be disharged out of custody without the special Order of The House. — Strangers.

Ordered, That the back door of the Speaker's chamber be locked up every morning at the sitting of The House, and the key delivered to the clerk, to be locked up by him; and that he do not presume to deliver the same to any person whatsoever without Order of The House; and that the Serjeant-at-Arms attending this House do take care to clear the Speaker's chamber every day, before the door is locked up. — Speaker's chamber.

Ordered, That the Serjeant-at-Arms attending this House do take care that there be no gaming or other disorders in the room appointed for the footmen attending the Members of this House to wait in. — Gaming.

Ordered, That the Serjeant-at-Arms attending this House do take into his custody such footmen as shall presume to disobey the Orders of The House; and that no such footmen be discharged out of custody, but by the special Order of The House. — Footmen.

Ordered, That the Serjeant-at-Arms attending this House do, from time to time, when The House is going to prayers, give notice thereof to all Committees; and that all proceedings of Committees in a morning, after such notice, be declared to be null and void. — Committees—Prayers.

J. Hatsell, Cl. Dom. Com.

A WARRANT similar to that of 1770, for taking Strangers into Custody. — Strangers.

A WARRANT similar to that of 1770, for taking Footmen into Custody. — Footmen.

1775.—A WARRANT similar to that of 1770, for taking Footmen into Custody.

Strangers. 1777-8.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

Footmen. A WARRANT similar to that of 1770, for taking Footmen into Custody.

Strangers. 1780.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

1781.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

Footmen. A WARRANT similar to that of 1770, for taking Footmen into Custody.

Strangers. 1782.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

Footmen. A WARRANT similar to that of 1770, for taking Footmen into Custody.

1783.—ORDERS of The House to the Serjeant.

Strangers. *Ordered,* THAT the Serjeant-at-Arms attending this House do from time to time take into his custody any stranger or strangers that he shall see, or be informed of to be, in the House or gallery while The House, or any Committee of the whole House, is sitting; and that no person, so taken into custody be discharged out of custody without the special Order of The House.

Speaker's chamber. *Ordered,* That the back door of the Speaker's chamber be locked up every morning at the sitting of the House, and the key delivered to the clerk, to be locked up by him, and that he do not presume to deliver the same to any person whatsoever without Order of The House; and that the Serjeant-at-Arms attending this House do take care to clear the Speaker's chamber every day before the door is locked up.

Gaming. *Ordered,* That the Serjeant-at-Arms attending this House do take care that there be no gaming or other disorders in the room appointed for the footmen attending the Members of this House to wait in.

Footmen. *Ordered,* That the Serjeant-at-Arms attending this House do take into his custody such footmen as shall presume to disobey the Order of The House; and that no such footmen be discharged out of custody but by the special Order of The House.

Committees—Prayers. *Ordered,* That the Serjeant-at-Arms attending this House do from time to time, when The House is going to prayers, give notice thereof to all Committees, and that all proceedings of Committees in a morning after such notice be declared to be null and void.

J. Hatsell, Cl. Dom. Com.

Strangers. 1783.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

1784.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

1785.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

1786.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

1787.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

1789.—A WARRANT similar to that of 1770, for taking Strangers into Custody.

Footmen. 1790, 22 Jan.—A WARRANT similar to that of 1770, for taking Footmen into Custody.

1790, 30 Nov.—A WARRANT similar to that of 1770, for taking Footmen into Custody.

1794-95.—A WARRANT similar to that of 1770, for taking Footmen into Custody.

1796.—A WARRANT similar to that of 1770, for taking Footmen into Custody.

1797.—A WARRANT similar to that of 1770, for taking Footmen into Custody.

1798-99.—A WARRANT similar to that of 1770, for taking Footmen into Custody.

Appendix, No. 6.

EXTRACTS FROM THE LORDS' JOURNALS; viz.—

I.—Orders that Parties be sent for, or brought before the Lords in Custody, or as Delinquents.

II.—Orders that Parties be Attached and brought before the Lords to answer Complaints of Breaches of Privilege and Contempts, and other Offences.

III.—Orders that Parties who had not attended according to Order be taken into Custody.

IV.—General Orders of Attachment [in which no further Directions are given to the Officer].

V.—Order to Attach a Witness and bring him before a Committee.

VI.—Orders that the Gentleman Usher of the Black Rod, or the Serjeant-at-Arms, do keep in his Custody Parties in Execution for Contempt "until further Order," or "until the Pleasure of the House be further signified," &c., or until certain Conditions be fulfilled.

VII.—General Order for taking a Person into Custody who had been Resolved to be guilty of a Breach of Privilege.

VIII.—Orders for the Commitment of Parties in Custody to the Tower, the Fleet, Newgate, and other Prisons.

IX.—Orders for the Seizure of Books and Papers.

X.—Orders directed to Public Officers, not being Officers of the House, for Apprehending Parties or keeping them in Custody.

XI.—Prisoners not in the Custody of Officers of the House to be brought before the Lords.

I.—Orders that Parties be sent for, or brought before the Lords in Custody, or as Delinquents.

26 *November* 1597.

A Serjeant-at-Arms to be sent for William Wood and one Stephenson, a serjeant of London, who arrested Edward Barston, the Lord Chandois's servant, contrary to the privilege of the House.

W. Wood and Stephenson. For arresting a peer's servant. 2 Lords' Journ. 201.

19 *November* 1601.

It is likewise ordered by the Court, that the under-sheriff, and any other persons that did arrest or assist the arrest of the said William Hogan, shall be sent for to appear before the Lords, in the House, on Saturday next the 21st of this instant, by nine in the morning.

An undersheriff. 2 Lords' Journ. 234.

17 *December* 1601.

It was this day ordered that Edward Coomes, of the Middle Temple, should be presently sent for, and brought before the Lords in the House, for that (contrary to the privilege of this Court) he hath caused one Thomas Gerrard, gentleman, to be arrested; and it was likewise ordered, that such persons as made the arrest, or did assist the same, *shall be likewise sent for (by the Serjeant-at-Arms) to answer their doings therein.*

Edward Coomes. 2 Lords' Journ. 256.

31 *March* 1604.

Upon complaint of the arrest of a servant of the Earl of Sussex, it was ordered,

"That the Serjeant-at-Arms shall then also bring before the Lords, in the House, the "above-mentioned John Hull, and the said two serjeants, Colle and Milton, to answer for "their contempt of the privilege of the said Court."

J. Hull and two Serjeants. 2 Lords' Journ. 270.

10 *May* 1604.

"That the Serjeant-at-Arms attending the House shall then also bring Corbett and Potter "before the Lords, to answer their contempt." *

Corbett and Potter. 2 Lords' Journ. 296.

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* For various other cases of a similar kind arising out of the arrest of Lords' servants, *see* Calendar to Lords' Journals (1509 to 1642), p. 117, *et seq.*; and p. 257, *et seq.*

Extracts from Lords' Journals.

19 *March* 1623.

Thomas Morley.
3 Lords' Journ. 270. *See* further proceedings, *ibid.* 275.

"And it is ordered, That the said *Thomas Morley*, and the printer of the said petition, "be brought hither before their Lordships, to-morrow morning, by nine of the clock;" *and the clerk made a warrant thereupon to the Serjeant-at-Arms accordingly.*

17 *December* 1660.

Bailiff of Lambeth. For arresting a peer's servant.

The Earl of Lyncolne signified to this House, "That Thomas Hutchins, bailiff, of "Lambeth, hath arrested Lewis Nassenbery, his Lordship's menial servant, contrary to the "privilege of Parliament;" and his Lordship upon his honour avowing him to be his menial servant:

11 Lords' Journ. 214.

It is ordered, that the said Lewis Nassenbery is to be forthwith released of his present imprisonment; and that Thomas Hutchins be sent for, as a delinquent, and brought before this House to answer the said breach of privilege.

13 *May* 1661.

Richard Neeve. For arresting a peer's servant.
11 Lords' Journ. 252.

Upon oath made at this bar by Edward Eaton, "That Joseph Bastard, menial servant "to the Lord Mohun, is arrested, and detained in prison, contrary to the privilege of Par- "liament:" It is ordered, That *Richard Neeve*, at whose suit he was arrested, who knew he was the Lord Mohun's servant, *shall be sent for as a delinquent*, to appear before this House, to answer his said offence.

John Holgate and P. Elliott. For seizing goods of a peer's servant.

Ib. ib.

Upon the oath of William Willoughby, esq., made at this bar, "That John Holgate hath "seized upon the goods of Thomas Rogers, a menial servant to the Lord Willoughby of "Parham, contrary to the privilege of Parliament:" It is ordered, That the said John Holgate, and Phillip Elliott, at whose suit his goods were seized, *shall be sent for as delinquents*, and be brought before this House, to answer their several offences.

II.—Orders that Parties be Attached and brought before the Lords, to answer Complaints of Breaches of Privilege and Contempts, and other Offences.

16 *July* 1641.

Robert Tockley. For disobedience and uncivil speeches.

Upon complaint made to this House, "That *Robert Tockley* hath disobeyed the orders "of this House, and used slight and uncivil speeches touching the same, which was made "appear by an affidavit read in the House:" It is ordered, That the Gentleman Usher attending this House shall attach, or cause to be attached, and brought before this House, the body of the said Robert Tockley, *to answer this his high contempt* of the power and privilege of this House.

4 Lords' Journ. 316.

22 *March* 1641.

John Bond. For libel.

"Ordered, That the Gentleman Usher attending this House shall attach the body of "*John Bond*, the author and composer of a scandalous pamphlet, being a supposed letter to "be written from the Queen to the Lord Digby in answer to his letter to Her Majesty; and "also to attach the body of *Bernard Alsopp*, printer of the said supposed letter; and "being attached, they shall be brought to this House, to answer their offences."

4 Lords' Journ. 660.

2 *May* 1660.

John S. Taylor and others. For arresting a peer's servant.

Ordered, that the Gentleman Usher attending this House, or his deputies, shall forthwith attach the body of *John Seagrave Taylor*, who caused *Thomas Chamberlane*, gentleman, a menial servant of the Earl of Denbigh, to be arrested and imprisoned, contrary to the privileges of the Lords in Parliament; as also the said Gentleman Usher, or his deputies, shall attach the bodies of John Dowell and John Osbourne, two of the serjeants of Wood-street Compter, who made the said arrest, to *answer their several contempts to this House*; and this to be a sufficient warrant in that behalf.

To the Gentleman Usher attending this House, his Deputy and Deputies; and to all Mayors, Justices of Peace, Sheriffs, and all other Officers, to be aiding hereunto.

11 Lords' Journ. p. 11.

30 *June* 1660.

Alexander Pepper. For scandalous words against a peer.

Upon reading the affidavits of *George Fen*, *Jo Parker*, and *Tho. Renham*, for speaking scandalous words against the Earl of Suffolke:

11 Lords' Journ. 79.

It is ordered, that Alexander Pepper, attorney, shall be attached as a delinquent, and brought before this House by the Gentleman Usher, to answer the aforesaid complaint.

Extracts from Lords' Journals.

11 *July* 1660.

Edward Acton. For disobedience.

It is this day ordered by the Lords in Parliament assembled, that the Gentleman Usher attending this House, or his deputy, shall attach the body of *Edward Acton, and forthwith bring him in safety before the Lords in Parliament,* for his contempt in disobeying an Order of this House concerning the Lord Marquis of Winchester, and keeping away some goods of his Lordship's contrary to the said Order; and this to be a sufficient warrant in that behalf. 11 Lords' Journ. 88.

11 *July* 1660.

—— Bowen. For contemptuous words.

"Ordered, that the Gentleman Usher attending this House shall attach the body of "—— Bowen, who hath spoken very contemptuous words against the House of Lords, and "several particular Members of the same, *and forthwith bring him in safe custody before* "*their Lordships,* to answer his contempt in that behalf." 11 Lords' Journ. 88.

17 *August* 1660.

Colonel Hunt. For slighting an order of The House.

Upon reading an information upon oath at this bar, "That the Order of this House, "granted to the Lord Newport, for searching for his goods taken away from him in Shrop-"shire, is slighted and contemned:"

It is ordered, that *Colonel Hunt* shall be attached as a delinquent, and brought before this House to answer his said contempt. 11 Lords' Journ. 131.

18 *August* 1660.

John Eales. For refusing assistance in executing a warrant.

Upon oath made at this bar by Moyses Perkins, a servant to the Gentleman Usher of the Black Rod, "That he, having a warrant of this House for the attaching of the body "of Adrian Scrope, being one of those that gave judgment of death upon the late King, and "demanding assistance of John Eales, of Henly, deputy-sheriff of the county of Oxford, he "refused to give him his aid and assistance therein, as the said warrant required:"

It is ordered by the Lords in Parliament assembled, that the Serjeant-at-Arms, or his deputy, shall attach the body of the said *John Eales,* and forthwith bring him in safety before their Lordships, to answer his high contempt to this House; and this is to be a sufficient warrant in that behalf. 11 Lords' Journ. 134.

21 *December* 1660.

Sheriff of London. For disobeying an order.

Affidavit was made at this bar by Michaell Baker, a messenger belonging to the Serjeant-at-Arms attending this House, "That he did carry the Order of this House, dated the 20th "of December instant, to Alderman* , one of the sheriffs of London, for the freeing of "John Thorroughton, a menial servant of the Lord Byron, who was arrested contrary to "the privileges of Parliament; but he would not obey the said Order."

* *Sic.*

Whereupon it is ordered, That the said Sheriff of London shall be attached by the Serjeant-at-Arms, and brought tomorrow morning to this bar, to answer his said contempt. 11 Lords' Journ. 222.

15 *May* 1661.

R. Saer and R. Aiskew. For attaching a peer's coach

Upon the oath of John Quinn, esq. made this day at the bar, "That the coach of the Earl "of Oxford, a Member of this House, and Peer of the Realm, was attached about the 29th "day of April last, being within ten days of this Parliament, by Richard Saer, a coachman; "and that one Richard Aiskew, a bailiff, executed the same:"

It is Ordered, by the Lords in Parliament assembled, That the Serjeant-at-Arms attending this House, or his deputy, shall attach the bodies of the said Richard Saer and Richard Aiskew, and forthwith bring them before the Lords in Parliament, *to answer their said high contempt*; and this to be a sufficient warrant in that behalf. 11 Lords' Journ. 255.

23 *November* 1661.

John Chrush, &c. For contempt of an order.

Upon complaint made this day at the bar, concerning the breach and contempt of an Order of this House, dated the 11th day of July last, wherein the Lord Chamberlain is concerned:

It is ordered by the Lords Spiritual and Temporal, in the High Court of Parliament assembled, That the Serjeant-at-Arms attending this House, his deputy or deputies, shall attach the body of John Chrush, of Little Wakering, in the county of Essex, and bring him before the Lords in Parliament, on Tuesday, the 3d of December next, *to answer his high contempt to this House*; and also that Thomas Barnes, of Much Wakering, Henry Goodwine, of Barling, of the said county, Andrew Graves, and Richard Finch, are hereby summoned personally to appear before their Lordships, at the time and place aforesaid, *to answer such things as are charged against them.* And herein they may not fail, as they will answer the contrary to this House: and this to be a sufficient warrant in that behalf. 11 Lords Journ. 335.

Extracts from Lords' Journals.

5 *December* 1661.

Henry Goodwin and others. For contempt of orders for their attendance.

Upon the oath of Moses Perkins, a messenger of this House; showing, "That he did "serve the Order of this High Court, dated the 23d of November last, upon the person of "Henry Goodwin, of Barling, in the county of Essex, and left a copy of the said order at "the several places of abode of Thomas Barnes, Andrew Graves, and Richard Finch, to "answer such things as were charged against them, on the behalf of the Lord Chamberlain "of His Majesty's Household and a Member of Parliament;" which order hath been disobeyed by the said parties, by not appearing according to the command thereof:

It is Ordered, That the Serjeant-at-Arms, or his deputy, shall attach the body of the said Henry Goodwin, as a delinquent, upon whom the said order hath been personally served, and forthwith bring him before their Lordships *to answer this contempt*; and that the said Barnes, Graves, and Finch, shall be served again, to appear on Friday the 17th of this instant December, *to answer such matters as they stand charged with*, before the *Lords* in Parliament.

11 Lords' Journ. 343.

Captain G. Swinhoe. For disobeying order for his attendance.

Upon the oath of William Warren, made this day at the Bar: shewing, "That he served "the Order of this House, dated the 26th of June 1661, upon Captain Gilbert Swinhoe, for "his appearance before the Lords in Parliament, to answer a complaint made against him, "concerning the Lord Grey of Wark, a Member of Parliament, and Peer of this Realm;" which order he hath disobeyed, by not appearing accordingly:

It is Ordered, That the Serjeant-at-Arms attending this House, or his deputy, shall forthwith attach the body of the said Gilbert Swinhoe, and bring him before their Lordships, on Saturday next, *to answer his said contempt and complaint aforesaid*: and this to be a sufficient warrant in that behalf.

11 Lords' Journ. 343.

14 *February* 1661.

W. Egerton. For procuring a warrant against a peer.

The Earl of Clare made complaint to the House, of a breach of privilege of Parliament committed upon his Lordship: "That one Humphrey Wyld, a justice of the peace in "Westminster, had granted out a warrant to the constable, at the complaint of the scaven-"ger, to attach the body of his Lordship, and bring him before him, with other persons "named in the warrant; that the said Humphrey Wyld, hearing of this, hath applied him-"self to his Lordship, and given him satisfaction, by declaring to him his abhorrency of such "an action, and protesting to him how it was a mistake of his clerk in putting in his Lord-"ship's name amongst others, unknown to him."

The House hereupon Ordered, That the examination of this business is referred to the Committee for Privileges; who are to state the business, and report the same to this House: And it is further Ordered, That William Egerton, the scavenger, upon whose complaint the said warrant was procured, shall be forthwith attached as a delinquent, and brought before this House, *to answer the said offence.*

11 Lords' Journ. 384.

26 *September* 1666.

B. and K. Hastings. For assaulting a peer.

Upon the humble petition of the Lord Morley, a Member of this House; shewing, "That "he was lately assaulted in the street by Beaumont Hastings and Knevet Hastings, whereby "he was in danger of his life, and received several affronts from them; with very reviling "language:"

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Serjeant-at-Arms attending this House, or his deputy, shall forthwith attach the bodies of the said Beaumont Hastings and Knevet Hastings as delinquents, and bring them before this House *to answer their said offences.*

12 Lords' Journ. 6.

6 *March* 1676.

W. Walker and J. Browne. For arresting a peeress.

Upon oath made at the bar of this House, and upon reading the petition of Lucy, Countess Dowager of Huntington, complaining of a breach of the privilege of the peerage of this realm, committed upon her person by her being arrested and violently taken out of her coach by bailiffs, and detained a prisoner for two days, by the prosecution of William Walker, an attorney of the King's Bench, at the suit of John Browne, woodmonger, who would not own the privilege due to, and claimed by, the said Countess of Huntington:

After due consideration had thereof, it is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Serjeant-at-Arms attending this House, or his deputy, shall forthwith attach the persons of the said *William Walker* and *John Browne*, and bring them in safe custody to the bar of this House for their said offences; and this shall be a sufficient warrant on that behalf.

13 Lords' Journ. 63.

To Sir George Charnock, knight, Serjeant-at-Arms attending this House, his deputy and deputies, and to all Mayors, Bailiffs, Constables, &c.

Extracts from Lords' Journals.

7 *April* 1677.

J. Campion and D. Seymour. For contemptuous words of a peer.

Upon complaint made to this House, and oath made at the bar, by Edward Clough, one of the Warders of His Majesty's Tower of London, "That John Campion, a butcher of "East Cheape, in London, and Dutton Seymour, an attorney at law, having spoken con- "temptuous words of the Earl of North'ton, a peer of this realm, and Constable of the "Tower:"

It is Ordered, That the Serjeant-at-Arms attending this House, or his deputy, shall forthwith attach the bodies of the said John Campion and Dutton Seymour, and bring them in safe custody to the bar of this House *for their said offences*; and this shall be a sufficient warrant on that behalf. 13 Lords' Journ. 104.

To Sir George Charnock, the Serjeant-at-Arms attending this House, his deputy and deputies, &c.

30 *May* 1678.

A. Johnson. For assaulting a doorkeeper of The House.

It appearing to this House, by the oath of Ralph Bradford, one of the doorkeepers attending the House of Peers, "That, in the performance of the duty of his place, he "was lately assaulted and wounded by one Alexander Johnson, late servant to Charles "Gerard, esquire, son of the Right honourable Lord Gerard of Brandon:"

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Serjeant-at-Arms attending this House, or his deputy, shall forthwith attach the body of the said *Alexander Johnson*, and bring him in safe custody to the bar of this House, *to answer for his said offence*; and this shall be a sufficient warrant on that behalf. 13 Lords' Journ. 233.

To Sir George Charnock, knight, Serjeant-at-Arms attending this House, his deputy and deputies, &c.

11 *December* 1678.

W. Sorocold. For misbehaviour before a Committee.

Upon report made from the Lords' Committees for examining persons and papers, "That "William Sorocold hath behaved himself very ill before their Lordships, and hath arrested "Mr. Gill, a constable of Westminster, and Thomas Evans, for what they have done in "order to the service of the said Committee:"

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Serjeant-at-Arms attending this House, or his deputy, shall forthwith attach the body of the said William Sorocold, and bring him in safe custody to the bar of this House, *to answer for his said offences*; and this shall be a sufficient warrant on that behalf. 13 Lords' Journ. 412.

To Sir George Charnock, knight, Serjeant-at-Arms attending this House, his deputy and deputies, and to all his Majesty's officers, civil and military, to be aiding and assisting in this service.

Robert Hix. For contemptuous words.

Upon information given to this House, upon oath, "That Robert Hix, of Woodstock, "hath uttered contemptuous words, reflecting upon the Parliament:"

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Serjeant-at-Arms attending this House, or his deputy or deputies, shall forthwith attach the body of the said Robert Hix, and bring him in safe custody to the bar of this House, *to answer for the said words*; and this shall be a sufficient warrant on that behalf. 13 Lords' Journ. 412.

To Sir George Charnock, Serjeant-at-Arms attending this House, his deputy and deputies, and to all his Majesty's Officers, civil and military, to be aiding and assisting in the execution hereof.

20 *June* 1685.

A. Philpot. For scandalous words of a peer.

Upon complaint and oath made at the bar of this House, "That Anthony Philpot, con- "trary to the privilege of the peerage and privilege of this House, hath uttered very scan- "dalous words against the Right Honourable Arthur Earl of Anglesey, a peer of this realm:"

It is Ordered, by the Lords Spiritual and Temporal assembled in Parliament, That the Serjeant-at-Arms attending this House, or his deputy or deputies, shall forthwith attach the body of the said Anthony Philpot, and bring him in safe custody to the bar of this House, *to answer for his said offence*; and this shall be a sufficient warrant on that behalf. 14 Lords' Journ. 51.

To the Serjeant-at-Arms attending this House, his deputy and deputies, and to all Mayors, Sheriffs, Bailiffs, Constables, and others his Majesty's Officers, to be aiding and assisting in the execution hereof.

Extracts from Lords' Journals.

17 *March* 1688.

W. Downing. For Libel.

Upon reading a paper reflecting upon the Right Honourable the Lord Grey of Wark, printed by William Downing:

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod attending this House do forthwith attach the body of the said William Downing, *and bring him in safe custody to the bar of this House;* and this shall be a sufficient warrant on that behalf.

14 Lords' Journ. 142.

To Sir Thomas Duppa, Gentleman Usher.

30 *July* 1689.

H. Hutchins. For scandalous words of a peer.

The House being informed, upon oath, "That Henry Hutchins, oilman, hath spoken "very scandalous words, reflecting upon the Lord Morley and Mounteagle, a Peer of the "Realm and Member of this House, contrary to the privilege of this House, and the Lord "Morley:"

It is ordered, That the Gentleman Usher of the Black Rod attending this House, his deputy or deputies, do forthwith attach the body of the said Henry Hutchins, and bring him in safe custody to the bar of this House *to answer the said information*; and this shall be a sufficient warrant on that behalf.

14 Lords' Journ. 300.

To Sir Thomas Duppa, Gentleman Usher of the Black Rod, his Deputy or Deputies, and either of them.

25 *April* 1690.

— Washington. For insulting a peer.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod attending this House, his deputy or deputies, do forthwith attach the body of — Washington, the gunner, in their Majesties' ship called the Defiance, and bring him in safe custody to the bar of this House, to answer his taking William Hempson, waterman, while he was rowing the boat where the Earl of Carnarvan then was, and offering other indignities to his Lordship's person; and for his so doing this shall be sufficient warrant on that behalf.

4 Lords' Journ. 474.

To the Gentleman Usher of the Black Rod attending this House, his Deputy and Deputies; and to all Mayors, Sheriffs, Justices of the Peace, and other His Majesty's Officers and Ministers, to be aiding and assisting in the execution hereof.

27 *November* 1690.

T. Burrows. For proceeding at law against parties, in contempt of an order.

Whereas Thomas Burrows, gentleman, hath, in contempt of an Order and Judgment of this House, made the 30th of April last, proceeded at law, at the Assizes at Shrewsbury, the 12th of September last, against Anne Dod, widow, Magdalen Johnson, widow, Robert Colebatch and Anne his wife, Sarah Dod, spinster, and Priscilla Cooper, widow:

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher of the Black Rod attending this House do forthwith attach the body of the said Thomas Burrows, and bring him in safe custody to the bar of this House, *to answer for his said contempt*; and this shall be a sufficient warrant on that behalf.

14 Lords' Journ. 568.

To Sir Thomas Duppa, Gentleman Usher of the Black Rod attending this House, his Deputy and Deputies, and every of them.

17 *November* 1693.

H. Jones, sen. and jun. For breach of privilege committed against a peer.

Whereas Hugh Jones the elder and Hugh Jones the younger are now in contempt of this House for a breach of privilege committed against the Earl of Rochester, a peer of this realm:

It is this day Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod attending this House do forthwith attach the bodies of the said Hugh Jones the elder and Hugh Jones the younger, and bring them in safe custody to the bar of this House, *to answer for their several breaches of privilege by them committed;* and this shall be a sufficient warrant on that behalf.

15 Lords' Journ. 300.

To Sir Thomas Duppa, Gentleman Usher of the Black Rod attending this House, his Deputy and Deputies, and every of them; and to all Mayors, Sheriffs, Bailiffs, Constables, and other their Majesties' Officers, to be aiding and assisting in the execution thereof.

Extracts from Lords' Journals.

24 *April* 1695.

Sir J. Butler. For issuing a warrant against an officer of the House for executing an order of attachment.

THE House being informed, upon oath, "That Sir James Butler did issue a warrant, at "the complaint of Anne Browne, against Lancelot Emmot, deputy to the Serjeant-at-Arms "attending this House, who attached John Browne for a breach of privilege in arresting "Ezekiel Castanet, menial servant to the Earl of Portland (although he was shewed the "order of this House for the same); and also that Mr. William Leighton indicted the "said Lancelot Emmot in the Crown Office, for an assault on the said John Browne, "and outlawed him thereupon, only for executing the order of this House:"

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Serjeant-at-Arms attending this House, his deputy or deputies, do forthwith attach the body of the said Sir James Butler and Mr. William Leighton, and bring them in safe custody to the bar of this House, *to answer for their offence;* and this shall be a sufficient warrant on that behalf. 15 Lords' Journ. 565.

To Roger Charnock, Esq., Serjeant-at-Arms attending this House, his Deputy and Deputies, and every of them.

11 *August* 1746.

A. M'Culloch. For publishing a speech of the Lord High Steward.

COMPLAINT being made to the House, and oath at the bar, "That one A. M'Culloch, at "the Lamb and Bible, near Devereux-court, without Temple Bar, has caused to be printed "and published the speech made by the Lord High Steward, the 1st instant, upon giving "judgment against the three Lords lately convicted of high treason, in a newspaper, intituled, "'The General London Evening Mercury, from Tuesday August 5, to Thursday August 7,' "in breach of the privilege of this House:"

It is Ordered, That the Gentleman Usher of the Black Rod attending this House, his deputy or deputies, do forthwith attach the body of the said A. M'Culloch, and bring him in safe custody to the bar of this House, *to answer for his said offence;* and this shall be a sufficient warrant on that behalf. 26 Lords' Journ. 633.

To Sir Charles Dalton, knight, Gentleman Usher of the Black Rod, his Deputy or Deputies, and to every of them.

24 *January* 1764.

John Wilkes. For publishing certain books.

THE Yeoman Usher, being called upon to give an account of the service of the order of this House for the attendance of Mr. Wilkes, acquainted the House, "That he went with "their Lordships' said order yesterday evening to Mr. Wilkes's house in Great George-"street, Westminster, and that Mr. Wilkes's servant told him he believed his master was "in France, for that he saw a letter from him on Tuesday last from Paris; that he could "not tell the date of it; but as he was told it was six days in coming, he supposes it was "dated about the 11th of this month:" 30 Lords' Journ. 458.

Resolved, by the Lords Spiritual and Temporal in Parliament assembled, That it appearing to this House that John Wilkes, Esquire, of Great George-street, Westminster, is the author and publisher of "The Essay on Woman," with Notes, and of another paper, intituled, "The Veni Creator Paraphrased," he be, for the said offence, taken into the custody of the Gentleman Usher of the Black Rod.

Accordingly, Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod attending this House do forthwith attach the body of the said John Wilkes, and bring him in safe custody to the bar of this House, *to answer for his said offence:* and this shall be a sufficient warrant in that behalf. *Ib.* 459.

To Sir Septimus Robinson, knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

16 *March* 1792.

R. Cooksey. For breach of privilege against a peer. *See* also *infra*, p. 134.

COMPLAINT was made to the House of a breach of privilege against the Earl of Coventry, in a letter signed Richard Cooksey; and oath being made at the bar, that the contents and signature of the said letter are the handwriting of Richard Cooksey:

And the Earl of Coventry in his place representing, "That the said letter was delivered "to him by his servant, who informed him he received it from the said Richard Cooksey;"

Ordered, That the Serjeant-at-Arms attending this House, his deputy or deputies, do forthwith attach the body of the said Richard Cooksey, and bring him in safe custody to the bar of this House, to answer for his said offence. 39 Lords' Journ. 314.

To William Watson, Esq. Serjeant-at-Arms attending this House, his Deputy or Deputies, and every of them.

Extracts from Lords' Journals.

III.—Orders that Parties who had not attended according to Order be taken into custody.

14 *February* 1720.

Edmond Waller, Esq.

The House being informed, "That Mr. Waller's brother attended:"

He was called in; and examined, on oath, at the bar, "Why his said brother did not "attend this day, as ordered?"

And attesting, "That he was so weak that he kept his chamber:"

And producing a certificate of Doctor John Crompton's, upon oath, dated Sunday last, touching the state of the health of the said Mr. Waller: he withdrew.

And the said certificate being read.

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod do forthwith take into his custody the person of Edmond Waller, Esq.; *but if he is found to be in such a condition as not to be able to travel without danger of his life, then to let him remain at the place where he now is, in custody.*

To Sir William Sanderson, knt. and bart., Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

21 Lords' Journ. 429.

12 *May* 1834.

W. Oram, W. Trepass, jun., S. Dingley, and W. R. Lapworth.

It was moved, "That William Oram, William Trepass the younger, Samuel Dingley, "and William Richard Lapworth, be taken into the custody of the Serjeant-at-Arms "attending this House."

Witnesses not attending.

The question was put thereupon.

It was resolved in the negative.

Resolved, *nemine dissentiente*, "That William Oram and Samuel Dingley do attend this "House on Friday next, and that service of this order at the houses of the said William "Oram and Samuel Dingley respectively in Warwick, shall be deemed good service."

Resolved, *nemine dissentiente*, "That William Richard Lapworth do attend this House "on Thursday the 22d of this instant May; and that service of this order at the house of "the said William Richard Lapworth, in Warwick, shall be deemed good service."

66 Lords' Journ. 295.

16 *May* 1834.

The Yeoman Usher of the Black Rod was directed to inquire whether Samuel Dingley and William Oram were in attendance; and he appeared at the bar, and stated, "That "they were not in attendance, either in The House or in the purlieus of The House."

It was moved to resolve, "That Samuel Dingley and William Oram be taken into the "custody of the proper officer of this House, but that the execution of the said orders be "stayed till Wednesday next."

Ib. 358.

The same was agreed to, and ordered accordingly.

23 *May* 1834.

Then William Richard Lapworth was ordered to be called in:

And the said William Richard Lapworth not being in attendance;

Ordered, That the said William Richard Lapworth, not attending pursuant to the Order of the House, be taken into the custody of the proper officer of this House.

Ib. 400.

27 *May* 1834.

Proclamation, with reward.

Ordered, That an humble address be presented to His Majesty, to request that His Majesty will be graciously pleased immediately to issue his royal proclamation, with such reward as His Majesty shall think proper, for discovering, apprehending, and detaining William Richard Lapworth.

66 Lords' Journ. 441.

Similar addresses for William Oram and Samuel Dingley.

IV.—General Orders of Attachment [in which no further Directions are given to the Officer].

16 *November* 1660.

Thomas Hawksworth. For arresting a Peeress.

Upon the information upon oath of Mary Batt:

It is Ordered, That *Thomas Hawksworth* of Cheeswicke, *shall be attached, as a delinquent*, for arresting the Lady D'Acres, contrary to the privilege of Parliament, she being a Peeress of this kingdom.

11 Lords' Journ. 186.

13 *April* 1716.

S. Popping. For printing "An account of the trial of the Earl of Winton."

Complaint was made to The House of a printed paper, intituled, "An Account of the "Trial of the Earl of Winton, which began on the 15th, and ended the 19th of March "1716, mentioned to be printed for S. Popping, at the Black Raven, in Paternoster Row, "1716. Price Twopence."

And

And the said title being read:

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod attending this House, his deputy or deputies, *do forthwith attach the body of the said S. Popping*, for printing and publishing the said paper, *in breach of a Standing Order of this House;* and this shall be a sufficient warrant on that behalf.

To Sir William Oldes, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

20 Lords' Journ. 328.

V.—Order to Attach a Witness and to bring him before a Committee.

16 *December* 1678.

Upon oath made, at the bar of this House, "That George Osborne, bricklayer, hath "been duly summoned by an Order of the Lords' Committees appointed to examine persons "and papers relating to the horrid design against his Majesty's Person and Government, "to attend their Lordships this morning," which he hath neglected to do:

George Osborne. For neglecting to attend a Committee.

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Serjeant-at-Arms attending this House, or his deputy, shall attach the body of the said George Osborne, *and bring him in safe custody before the said Lords' Committees* tomorrow morning, at nine of the clock, in the Lord Privy Seal's lodgings, near the House of Peers; and this shall be a sufficient warrant on that behalf.

To Sir George Charnock, Knt., Serjeant-at-Arms attending this House, his Deputy and Deputies, and to all his Majesty's Officers, civil and military, to be aiding and assisting in this service.

13 Lords' Journ. 418.

VI.—Orders that the Gentleman Usher of the Black Rod, or the Serjeant-at-Arms, do keep in his custody Parties (in execution for Contempt) "until further order," or "until the pleasure of the House be further signified, &c." or until certain conditions be fulfilled.

Whereas Mr. John Browne, and Mr. William Walker, his attorney, were this day brought to the bar, by the Serjeant-at-Arms attending this House, for causing the Countess Dowager of Huntington to be arrested and imprisoned, contrary to the privilege of the Peerage of this realm, where they acknowledged the matter of complaint charged on them by the petition of the said Countess of Huntington, presented to this House:

J. Browne and W. Walker. For having arrested a Peeress.

It is this day Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher of the Black Rod do immediately take the bodies of the said John Browne and William Walker into his custody, *there to remain till the pleasure of this House be further signified:* and this shall be a sufficient warrant on that behalf.

To the Gentleman Usher of the Black Rod attending this House, his Deputy and Deputies, &c.

13 Lords' Journ. 72.

9 *February* 1664.

Upon oath made at this bar, by James Swann, "That, on or about the 26th day of "December last, he did hear Thomas Chadwell speak very scandalous words of the Lord "Bishop of Chichester; videlicet, 'Where is the pitiful Bishop of Chichester? He hath "'no more right to sit in the House of Peers than I:'"

Thomas Chadwell. For scandalous words concerning a Bishop.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Serjeant-at-Arms attending this House, or his deputy, shall forthwith attach the body of the said Thomas Chadwell, *and keep him in safe custody, until the pleasure of this House be further signified:* and this to be a sufficient warrant in that behalf.

13 Lords' Journ. 654.

22 *June* 1685.

The House, upon this Report from the Lords Committees for Privileges, to whom was referred a printed paper, intituled, "The case of Francis Terrence and Martin Dinence, merchants, That their Lordships find several particulars in the said case relating to the Earl of Danby that are scandalous;" which case Gabriell Cox this day owning at the bar, the printing and inditing of it:

Gabriell Cox. For Libel.

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher attending this House, his deputy or deputies, do forthwith take into custody the body of the said Gabriell Cox, *and keep him in safe custody till the pleasure of this House shall be further known:* and for so doing this shall be a sufficient warrant.

To the Gentleman Usher of the Black Rod attending this House, his Deputy and Deputies, and every of them.

14 Lords' Journ. 53.

Appendix, No. 6.

Extracts from Lords' Journals.

29 *June* 1685.

Anthony Philpot. For scandalous words of the Earl of Anglesey.

WHEREAS Anthony Philpot, being in the custody of the Serjeant-at-Arms attending this House, for very scandalous words spoken by him against the Right Honourable the Earl of Anglesey, a Peer of this Realm, as also reflecting on this House, which is contrary to the Privilege and of this House, was brought to the bar:

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said Anthony Philpot *do stand committed* to the custody of the Gentleman Usher of the Black Rod attending this House *until further order:* and this shall be a sufficient warrant on that behalf.

14 Lords' Journ. 66.

To the Gentleman Usher of the Black Rod, his Deputy and Deputies, and every of them.

8 *April* 1697.

Thomas Stone. For striking a witness.

UPON oath made at the bar, by Richard Luxford and Lawrence Bradon, "Thomas "Stone did strike Richard Luxford in this House below the bar, and gave him oppro- "brious language; who was then attending on a Committee of Lords, in pursuance of an "Order of this House:"

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher of the Black Rod attending this House do forthwith attach the body of the said Thomas Stone, *and keep him in safe custody:* and this shall be a sufficient warrant on that behalf; and that his Majesty's Attorney-general do forthwith prosecute the said Thomas Stone for his said offence.

16 Lords' Journ. 144.

To Sir Fleetwood Sheppard, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

14 *April* 1699.

John Clements. For opprobrious words of a Peer.

THE House being informed upon oath, "That John Clements, fishmonger, had spoken "opprobrious words of the Right Honourable Peregrine Lord Osborne, as Master of the "said Company of Fishermen:"

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Serjeant-at-Arms attending this House, his deputy or deputies, do forthwith attach the body of the said John Clements, and *keep him in safe custody until further order:* and this shall be a sufficient warrant on that behalf.

16 Lords' Journ. 437.

To Peter Persehouse, Esq. Serjeant-at-Arms attending this House, his Deputy or Deputies, and every of them; and to all Mayors, Sheriffs, Bailiffs, Constables, and other Officers, to be aiding and assisting in the execution hereof.

22 *December* 1719.

E. Kelly and R. Sparrow. For absconding.

UPON reading the petition, a Representation of Sir William Sanderson, Knight, Gentleman Usher of the Black Rod attending this House; setting forth, *inter alia*, "That, upon "the complaint of Robert Webb, the 11th of March last, this House was pleased to "order Edward Kelly, Henry Andrews, and Richard Sparrow to be taken into custody of "the Black Rod, which order was executed on the said Kelly and Andrews (but Sparrow "could not be found), and they were committed to the keeping of William Symmonds, "deputy to the petitioner: That Andrews, after some days' custody, upon his petition, "was ordered to be discharged, paying his fees; but the said Kelly made his escape; and "both the said Kelly and Sparrow so concealed themselves that they could not be met "with during the last session of Parliament; but now, as the petitioner is informed, appear "again publicly;" and praying, "That this House will make such order in the premises "as shall be thought meet:"

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said Gentleman Usher of the Black Rod, his deputy or deputies, do forthwith attach the bodies of the said Edward Kelly and Richard Sparrow, and *keep them in safe custody till further order of this House;* and this shall be a sufficient warrant on that behalf.

21 Lords' Journ. 189.

To Sir William Sanderson, Knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

23 *December* 1719.

H. Andrews and R. Sparrow. For resisting an officer of The House.

THE House was informed, "That William Symmonds, deputed by the Gentleman Usher "of the Black Rod to attach Richard Sparrow, pursuant to the Order of this House yes- "terday, did last night attach the said Sparrow accordingly; but one Henry Andrews, a "marshal's court officer, being with him, he held the said Symmonds, whilst the said Spar- "row beat and abused him; which gave occasion to the said Sparrow to make his escape."

And thereupon the said William Symmonds being called in, and attesting the same upon oath, at the bar:

It

It is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher of the Black Rod, his deputy or deputies, do forthwith attach the bodies of the said Henry Andrews and Richard Sparrow, for the said contempt, *and keep them in safe custody till further order of this House;* and this shall be a sufficient warrant on that behalf.

To Sir William Sanderson, Knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

21 Lords' Journ. 19

6 *July* 1727.

Phillip Lascelles. For procuring writte protections.

THE House being informed, "That one Phillip Lascelles, who, on the 21st day of "January 1724, was ordered to be taken into custody by the Gentleman Usher of the "Black Rod, for being concerned in procuring written protections in breach of their "Lordships' Standing Orders, and who has since absconded, so as not to be taken, was "now in the House:"

It is Ordered, that the Gentleman Usher of the Black Rod do immediately attach the body of the said Phillip Lascelles, *and keep him in safe custody until further order.*

23 Lords' Journ. 15

22 *February* 1762.

W. Skutt. For counterfeiting franks.

RESOLVED, that the said William Skutt, having counterfeited the handwriting of a Lord of this House, in the franking of letters, in order to prevent their being charged with the duty of postage, is guilty of a high misdemeanor, and of a breach of the privilege of this House.

Ordered, that the Gentleman Usher of the Black Rod attending this House do forthwith attach the body of the said William Skutt, for his said offence, and *to keep him in safe custody until the further order of this House;* and this shall be a sufficient warrant in that behalf.

To Sir Septimus Robinson, Knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

30 Lords' Journ. 16

1 *December* 1768.

John Biggs. For bringing an act against a Justice of Peace for executing Orders of the House

THEN John Biggs was called in, and examined in relation to his being taken up by the said Mr. Hesse, for his riotous behaviour with the rest of the mob in the Old Palace-yard, Westminster, on the 10th of May last, in insulting the Peers and chalking their coaches; and also in relation to his bringing an action against the said Mr. Hesse for false imprisonment; and also as to his knowledge of any of the rioters, and who it was that advised him to bring the said action.

He is directed to withdraw.

Ordered, that the Gentleman Usher of the Black Rod attending this House do forthwith attach the body of the said John Biggs, and keep him in safe custody till the *further order of this House*; and this shall be a sufficient warrant in that behalf.

To Sir Francis Molyneux, Knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

Edward Aylett, For prevarication, &

Then Edward Aylett, an attorney employed by the said John Biggs, in bringing the said action against the said Mr. Hesse, was called in, and examined in relation thereto, and upon several questions being asked him by several of the Lords, prevaricated very much.

He is directed to be taken from the bar.

Ordered, that the Gentleman Usher of the Black Rod attending this House do forthwith *attach the body of the said Edward Aylett, and keep him in safe custody till the further order of this House*; and this shall be a sufficient warrant in that behalf.

To Sir Francis Molyneux, Knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

Then it was moved, "That John Biggs be called in, and at the bar, on his knees, repri-"manded by the Lord Chancellor, and directed to stop all further prosecution against Mr. "Hesse; and that upon his signing a release to the said Mr. Hesse he be discharged out "of custody."

The same was agreed to.

And the said John Biggs was accordingly called in, and on his knees, at the bar, reprimanded by the Lord Chancellor, and directed to stop all further prosecution against Mr. Hesse; and upon his signing a release to the said Mr. Hesse, he was ordered to be discharged out of custody.

32 Lords' Journ. 1 189.

9 *February* 1770.

W. G. Edmunds. For breach of privilege and non-attendance.

THE order of the day being read for the attendance of William George Edmunds, No. 73, Shoe-lane, Fleet-street, the printer of "The Middlesex Journal, or Chronicle of Liberty, "from Saturday, February 3d, to Tuesday, 6 February, 1770:"

The Yeoman Usher acquainted The House, "That the said William George Edmunds "was not attending."

Whereupon John Copeland, one of the doorkeepers of The House, was called in, and examined as to his serving the said William George Edmunds with the Order of The House for his attendance this day.

He was directed to withdraw.

Then it was moved, "That the said William George Edmunds be taken into the custody "of the Gentleman Usher of the Black Rod, for not attending as ordered:"

Which being objected to:

It was moved, "That the Standing Order, No. 78, might be read."*

The said Standing Order was read by the Clerk accordingly.

Then it was moved, "That the Standing Order, No. 77, might be read."†

The said Standing Order was likewise read by the Clerk.

Then the said John Copeland was again called in, and being sworn and examined, acquainted The House, "That on Wednesday night last he served the said William "George Edmunds, personally, with their Lordships' Order for his attendance this day; "that he told him to be at the House between the hours of twelve and one; and that the "said William George Edmunds then said he would obey their Lordships' Order."

He is again directed to withdraw.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Gentleman Usher of the Black Rod attending this House do forthwith attach the body of the said William George Edmunds, and keep him in *safe custody till the further order of this House;* and this shall be a sufficient warrant in that behalf.

To Sir Francis Molyneux, Knt., Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

32 Lords' Journ. 429.

26 *March* 1792.

R. Cooksey. For breach of privilege against a peer. *See* also *supra*, p. 129.

ORDERED, That Mr. Richard Cooksey having made acknowledgement towards this House, and to the Earl of Coventry, for his said offence, and expressed himself sincerely sorry for the same, be reprimanded at the bar, and that *he be continued in the custody of the* Serjeant-at-Arms *until he enter into a recognizance* to His Majesty, before the Lord Chief Justice of His Majesty's Court of King's Bench, himself in the sum of 500*l.*, and two sureties in the sum of 100*l.* each, for his good behaviour towards the Earl of Coventry for three years, and that, having entered into such recognizance, he be discharged, paying his fees.

39 Lords' Journ. 331.

25 *June* 1805.

S. Scudamore Heming, Esq. For assaulting the Yeoman Usher.

ORDERED, that the conduct of Samuel Scudamore Heming, Esq. towards the Yeoman Usher of this House, on Thursday last, is a breach of the privileges of this House.

Ordered, that Samuel Scudamore Heming, Esq. be taken into the custody of the Gentleman Usher of the Black Rod.

Ordered, that Samuel Scudamore Heming, Esq. be called in, and reprimanded by the Lord Chancellor; and that he be continued in custody of the Gentleman Usher of the Black Rod *until he enter into a recognizance* to His Majesty, before the Lord Chief Justice of His Majesty's Court of King's Bench, himself in the sum of 500*l.*, and two sureties in 100*l.* each, for his good behaviour towards Robert Quarme, Esq. for three years; and that having entered into such recognizances, he be discharged, paying his fees.

Whereupon, the said Samuel Scudamore Heming was called in, and reprimanded by the Lord Chancellor accordingly.

45 Lords' Journ. 340.

VII.—GENERAL Order for taking a Person into Custody who had been resolved to be guilty of a Breach of Privilege.

7 *May* 1806.

W. Broadhurst. For insulting a doorkeeper.

RESOVED, that William Broadhurst, in having insulted and abused George Dike, one of the doorkeepers of this House, in the execution of his duty in Westminster Hall on Saturday last, is guilty of a breach of the privileges of this House.

Ordered,

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* "That no person shall be taken into custody upon complaint of a Breach of Privilege, but upon oath made at the bar of this House."

† "That it is a breach of the Privilege of this House for any person whatsoever to print or publish in print anything relating to the Proceedings of this House, without the leave of this House."

Ordered, That William Broadhurst be taken into custody of the Gentleman Usher of the Black Rod. Appendix, No. 6.

Ordered, That William Broadhurst be called in and reprimanded by the Lord Chancellor, and that he be discharged, paying his fees. Extracts from Lords' Journals.

Whereupon he was called in, and reprimanded by the Lord Chancellor accordingly and ordered to be discharged, paying his fees. 45 Lords' Journ. 610.

VIII.—Orders for the commitment of Parties in Custody, to the Tower, the Fleet, Newgate and other Prisons.

23 *November* 1601.

This day the Under-sheriff of the county of Surrey, that arrested William Hogan, was brought into the House to answer for the same; and by Order of The House committed to the prison of the Fleet. Undersheriff of Surrey. 2 Lords' Journ. 236.

2 *December* 1601.

For as much as, by the confession of the Under-sheriff, it did plainly appear to the Lords, that the said Crayford had very maliciously, and upon unneccessary suits (that did not concern himself), prosecuted the serving and laying of sundry executions upon William Vaughan, it was thought meet and so ordered, That he should be committed to the prison of the Fleet; and because also the keeper of Newgate having seen their Lordships' Order, by the hands of the Serjeant-at-Arms, for the bringing of the said prisoner, did not perform the same, (pretending that he could not with his safety remove him out of prison, being in execution,) he was in like sort committed to the Fleet, for neglecting the said Order. Crayford and Keeper of Newgate. 2 Lords' Journ. 239.

5 *April* 1604.

Memorandum, That it was this day Ordered by the Lords Spiritual and Temporal of the Higher House of Parliament, That whereas Thomas Rushe, servant in ordinary to the Earl of Sussex, was of late arrested (contrary to the privilege of the said High Court), at the suit of one John Hull, citizen and mercer of London; the said Hull and Richard Collie, being one of the serjeants that arrested him, having this day made their appearance in the Court, and not showed any sufficient cause by their answer to justify the arrest, shall be committed prisoners to the Fleet, there to remain till the Court shall give order for their enlargement; and commandment given accordingly to the Serjeant-at-Arms for the delivery of them to the warden of the Fleet. Hull and Collie. 2 Lords' Journ. 274.

15 *March* 1620.

Mr. Serjeant Hitcham reported, that in the examination of the matter between Jeffery Passemore and Samuel Booth, he found that the said Passemore had very contemptuously broken the privileges of this High Court in the arrest of the said Booth; whereupon the said Passemore was brought to the bar, and it was ordered, that he should be committed to the prison of the Fleet, *and to withdraw his actions* against the said Booth, for that they were of mere vexation for words, and not for debt; and also that Nicholas King, the Deputy-bailiff of Westminster, who arrested the said Booth, shall stand committed to the Fleet. J. Passemore and S. Booth. 3 Lords' Journ. 45.

1 *October* 1666.

Upon evidence given at this bar, this day, upon oath, by Mr. Ayliffe and Thomas Osborne, proving the matter of fact contained in the petition of the Lord Morley; K. B. Hastings. For assaulting a Peer.

It is Ordered, that the Lieutenant of the Tower of London, or his deputy, shall receive the body of Knevet Hastings, gentleman, and keep him in safe custody within the said Tower, until the pleasure of this House be further signified, for his assaulting the person of the Lord Morley, a Peer of this Realm, in the street, whereby he was in danger of his life, and for giving his Lordship base and reviling language; and that the Gentleman Usher of the Black Rod attending this House, or his deputy, in whose custody the said Knevet Hastings now is, *shall deliver him safely into the custody of the Lieutenant of the Tower.* 12 Lords' Journ. 8.

4 *October* 1666.

A similar order concerning Beaumont Hastings. *Ib.* p. 9.

7 *April* 1679.

"Whereas John Sidway hath brought into this House an information against the "Lord Bishop of Ely and other Bishops, which, upon the examination of the said John "Sidway at the bar, appeared to be frivolous and untrue: It is thereupon resolved, That "the said John Sidway shall stand committed to the prison of the Gatehouse at West- "minster; and that the Gentleman Usher of the Black Rod attending this House, or his "deputy or deputies, shall take care to convey him thither; and for his or their so doing "this shall be a sufficient warrant; as also to the keeper of the said prison, his deputy "and deputies, and every of them, for detaining the said John Sidway in safe custody till "the pleasure of this House be further signified." J. Sidway. For false information against the Bishop of Ely. 13 Lords' Journ. 502.

Appendix, No. 6.

Extracts from Lords' Journals.

1 *December* 1768.

Edward Aylett. For prevarication.

RESOLVED, "That the said Edward Aylett, having been guilty of a notorious breach of "the Privilege of this House, and having prevaricated in his examination at the bar, be, "for his said offences, committed to Newgate."

Ordered, That the Gentleman Usher of the Black Rod, in whose custody the said Edward Aylett now is, do convey, or cause him to be conveyed, to the prison of Newgate, and delivered to the keeper thereof accordingly; and this shall be a sufficient warrant in that behalf.

To Sir Francis Molyneux, Knt., Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them; and also to the Keeper of Newgate, his Deputy or Deputies, and every of them.

32 Lords' Journ. p. 188, 189.

9 *May* 1770.

ORDERED, That the Gentleman Usher of the Black Rod, in whose custody the said William George Edmunds now is, do convey, or cause him to be conveyed to the prison of Newgate, and delivered to the keeper thereof accordingly; and this shall be a sufficient warrant on that behalf.

To Sir Francis Molyneux, Knt., Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them; and also to the Keeper of Newgate, his Deputy and Deputies, and every of them.

32 Lords' Journ. p. 575.

3 *May* 1799.

Benjamin Flower. For a libel on the Bishop of Llandaff.

RESOLVED, "That Benjamin Flower, of Cambridge, printer, having presumed to "publish a libel on the Right Reverend Richard, Lord Bishop of Llandaff, a Member of "this House, in the Paper intituled, 'The Cambridge Intelligencer, Saturday, April 20th, "1799,' is guilty of a high breach of the Privileges of this House."

Resolved, "That Benjamin Flower, of Cambridge, printer, do, for his said offence, pay "a fine to His Majesty of 100*l.* and that he be committed prisoner to Newgate, for the "space of six months, and until he pay the said fine."

Ordered, That the Serjeant-at-Arms attending this House, his deputy or deputies, do forthwith convey the body of the said Benjamin Flower to the prison of Newgate, to be kept in safe custody for the space of six months, and until he pay the said fine.

To William Watson, Esq., Serjeant-at-Arms attending this House, his Deputy or Deputies, and every of them; and to the Keeper of Newgate, his Deputy or Deputies, and every of them.

2 Lords' Journ. 182.

17 *April* 1801.

John Higginbotham. For Libel.

RESOLVED, "That John Higginbotham do, for his said offences, pay a fine to his "Majesty of 6*s.* 8*d.*, and that he be committed prisoner to Newgate for the space of six "months, and until he shall pay the said fine."

Ordered, That the Gentleman Usher of the Black Rod attending this House, his deputy or deputies, do forthwith attach the body of the said John Higginbotham, and convey, or cause him to be conveyed, to the prison of Newgate, there to be kept in safe custody for the space of six months, and until he pay the said fine.

To Sir Francis Molyneux, Bart., Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them; and to the Keeper of Newgate, his Deputy or Deputies, and every of them.

43 Lords' Journ. p. 105.

IX.—ORDERS for the Seizure of Books and Papers.

25 *November* 1724.

H. Moll and others.

A PETITION of Herman Moll, Thomas Bowles, Charles Rivington, and John Bowles, in custody of the Gentleman Usher of the Black Rod, for publishing a book intituled, "A new Description of England and Wales, &c." was presented to The House and read, expressing their hearty sorrow for their said offence, and humbly begging pardon for the same, and praying, "That their Lordships will take the Petitioners' unfortunate circum-"stances into consideration, and that they may be discharged out of custody."

It is Ordered that the said Petition do lie on the table, and that the Gentleman Usher of the Black Rod *do forthwith seize or cause to be seized, at the respective houses of the said Petitioners, such of the books above-mentioned as are in their possessions.*

To Sir William Sanderson, Knt. and Bart., Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

22 Lords' Journ. 355.

17 *March* 1737.

A REPORT from the Committee of Privileges being read twice by the clerk:

Ordered, That the Gentleman Usher of the Black Rod, his deputy or deputies, do forthwith attach the body of the said Mr. Cooper, and keep him in safe custody till further Order of this House; and that the said Gentleman Usher *do forthwith seize the several printed copies of the said book,** which are in the possession of the said Cooper, and deliver the same into the custody of the clerk of this House; and this shall be a sufficient warrant in that behalf.

Mr. Cooper. For publishing Lords' Protests.

To Sir Charles Dalton, Knt., Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

25 Lords' Journ. 192.

3 *April* 1747.

COMPLAINT was made to The House, and oath at the bar, of a printed book, lately published, intituled, "The Trials of William Earl of Kilmarnock, George Earl of Cro- "mertie, and Arthur Lord Balmerino, for High Treason, before the House of Peers, at "Westminster Hall, on the 28th and 30th of July, and the 1st of August 1746. London "printed for the Proprietor, by R. Walker, in Fleet Lane."

R. Walker. Printing the trials of certain Peers.

And the title and some parts of the book being read by the clerk:

Ordered, That the Gentleman Usher of the Black Rod attending this House, his deputy or deputies, do forthwith attach the body of the said R. Walker, and bring him in safe custody to the bar of this House, to answer for his said offence; and that the said Gentleman Usher do likewise *forthwith seize or cause to be seized, the whole impression of the said book;* and this shall be a sufficient warrant on that behalf.

To Sir Charles Dalton, Knt., Gentleman Usher of the Black Rod, his Deputy or Deputies, and every of them.

27 Lords' Journ. 94.

X.—ORDERS directed to Public Officers, not being Officers of The House, for apprehending Parties, or keeping them in Custody.

Washington, See *supra*, p. 128.

26 *April* 1690.

WILLIAM CLAYTON, Messenger, upon oath, deposed at the bar, "That he attached "the body of John Washington yesterday, by virtue of an Order of this House; but after- "wards he fell upon him, and beat him, and broke his sword, and refused to obey the "Order of this House, with contempt."

To the Lords Commissioners of the Admiralty.

Whereupon it is Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Lords Commissioners of the Admiralty do forthwith send for, and cause to be brought to the bar of this House, John Washington, gunner in their Majesties' ship called the Defiance, to answer the breach of the privilege, and contempt of an Order of this House.

14 Lords' Journ. 475.

5 *December* 1693.

WHEREAS Hugh Jones, the elder, stands in contempt of several Orders of this House; and, as by an affidavit this day read, he threatens to shoot any officers that shall execute the said Orders:

Hugh Jones.

It is therefore Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Sheriff of the County of Wilts shall, and he is hereby required, forthwith to attach the person of the said Hugh Jones the elder, and him safely deliver to Sir Thomas Duppa, Gentleman Usher of the Black Rod attending this House, his deputy or deputies; and for so doing this shall be a sufficient warrant.

To the Sheriff of Wilts, &c.

To the Sheriff of the County of Wilts, and his Deputy or Undersheriff; and to all Mayors, Bailiffs, Constables, Headboroughs, and Tythingmen, to be aiding and assisting in the execution of this warrant, as the contrary will be answered to this House.

15 Lords' Journ. p. 314.

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* "A complete Collection of Protests, from the year 1641 to the present year, 1737."

Appendix, No. 6.

Extracts from Lords' Journals.

T. Tooke. For Breach of Privilege.

23 *May* 1728.

"ORDERED and adjudged by the Lords Spiritual and Temporal in Parliament assembled, That Thomas Tooke be fined in Five Hundred Pounds to the King, for breach of "privilege and contempt of this House; and that the Sheriffs of London and Middlesex do "take him and keep him in custody in the gaol of Newgate till he pay the said Five Hundred Pounds, and his fees and charges, to the Usher of the Black Rod, and other officers "of this House."

15 Lords' Journ. p. 27.

"To the Sheriffs of London and Middlesex."

26 *May* 1790.

W. Seager. For assaulting a Marshalman attending this House.

COMPLAINT being made to The House by the Yeoman Usher of the Black Rod, "That "William Seager did this day assault, beat, and ill-treat, Solomon Marriott, Marshalman "attending this House, in contempt of the privilege thereof:"

The said William Seager was ordered to be brought to the bar; and being brought accordingly,

Solomon Marriott, the Marshalman was called in, and examined upon oath at the bar, touching the matter of the said complaint; and the said William Seager was asked "What he had to say in his defence;" and having been heard,

He was directed to withdraw.

Ordered, that the said William Seager be for his said offence committed to Tothill-fields Bridewell, and there kept in safe custody until the further Order of this House; and this shall be a sufficient warrant in that behalf.

To the Governor and Keeper of Tothill-fields Bridewell, his Deputy and Deputies, and every of them.

38 Lords' Journ. 649.

XI.—Prisoners not in the Custody of Officers of The House to be brought before the Lords.

16 *November* 1601.

W. Hogan.

MEMORANDUM, That a motion was this day again made, by some of the Lords, touching William Hogan, prisoner in the Fleet, that he might be sent for out of the said prison, and be brought into the House, before the Lords, to the end he might make relation of his cause; that thereupon such order might be speedily taken with him as should by the Court be found meet, and agreeable to the privilege of the said Court. Upon which motion, it was debated by what course the said Hogan should be brought out of the Fleet, being there in execution; whether by warrant, to be directed from the Lords to the Lord Keeper, requiring him to grant forth a writ, in Her Majesty's name, for the bringing of the said Hogan from thence, or by immediate direction and Order from The House (to the Gentleman Usher or Serjeant-at-arms), without any such writ; which being put to the question by the Lord Keeper, it was resolved and ordered, by the general consent of the House, That it should be done by immediate direction and Order from The House, without any such writ as aforesaid; and accordingly Ordered, That the said William Hogan should be sent for, and brought before the Lords, by the Gentleman Usher, into the said House of Parliament, upon Thursday next, the 19th of this instant, by nine in the morning.

Lords' Journ. 233.

15 *April* 1801.

Allan Macleod.

ORDERED, That the keeper of Newgate, or his deputy, do bring Allan Macleod, a prisoner in his custody, to the bar of this House, on Friday next.

3 Lords' Journ. 97.

Appendix, No. 7.

EXTRACTS FROM THE JOURNALS OF THE HOUSE OF COMMONS; viz.—

I.—Copies of Warrants issued by Mr. Speaker, as entered in the Journals.

II.—Orders that Parties be sent for in Custody, or be taken into Custody in order to to be brought to the Bar, or to answer Complaints.

III.—Orders for taking Parties into Custody, generally, without expressing that they had been guilty of Contempt.

IV.—Orders for the Commitment of Parties to the Custody of the Serjeant-at-Arms, for Breaches of Privilege and Contempts, unaccompanied by Orders for the issue of Warrants.

V.—Orders for the Confinement of Parties, in close Custody [with and without Orders for the issue of Warrants.]

VI.—Parties taken into Custody without any previous Order of The House.

VII—A Member who had escaped from Custody, ordered by Mr. Speaker to be seized.

VIII.—Mr. Speaker causes a Person to be seized who had been ordered into Custody.

XI.—Orders to the Serjeant to take Prisoners in Custody before Committees.

X.—Order for the Seizure of Papers.

XI.—Sessional Orders to the Serjeant to take Persons into Custody, who shall be in Contempt of such Orders.

XII.—Various purposes in relation to the Custody of Parties, for which Mr. Speaker has been ordered to issue his Warrants; with references to the Journals.

I.—Copies of Warrants issued by Mr. Speaker, as entered in the Journals.

16 *February* 1606.

For the Commitment of a Member to the Tower.

Whereas Sir Chro. Piggott, knight, one of the knights for the county of Bucks, returned into the Commons House of Parliament, did, upon Friday last, in the face and public hearing of that assembly, enter into a bitter and scandalous invecitive against the nation of the Scotts and Scottishmen, tending to the dishonour of the said House; this day, upon a grave and advised consultation, touching the quality and punishment of his offence, and upon the convention and hearing of the offender at the Bar, it was ordered and and adjudged by The House, that the said Sir Chro. should instantly be committed to the prison of the Tower, and delivered by the Serjeant of The House into your charge and custody, and there remain prisoner, during the pleasure of The House; and this shall be your sufficient warrant.

(signed) *Edw. Phelips*, Speaker.

Directed: "To my very loving friend Sir William Waad, Knight, Lieutenant of the Tower of London."

The Serjeant of The House did, by commandment, deliver this warrant, and the offender, to the Lieutenant of the Tower.

8 *May* 1604.

For the Commitment of other Person to the Tower.

Whereas the Serjeant-at-Arms attendant upon the Commons House of Parliament was, by Order and Commandment, sent to bring the body of Sir Thomas Shirley, knight, one of the Members of the House, and now prisoner in the Fleet, into the said House, according to their known privilege; and the warden of the Fleet, being required by the same Order to deliver him, did deny to do it, to the manifest contempt of the said privilege; it is this day ordered, That the Serjeant shall apprehend the body of the said warden, and convey him to the prison of the Tower, and there deliver him to the Lieutenant, with direction, in the name of The House, that he be committed close prisoner until the further pleasure of The House be known. And this shall be to the said Serjeant and Lieutenant a sufficient warrant.

1 Comm. Journ. 336.

The warden of the Fleet.

1 Comm. Journ. 203.

Edw. Phelips, Speaker.

Appendix, No. 7.

Extracts from Commons' Journals.

29 *March* 1604.

Bryan Bridger.

1 Comm. Journ. 158.

Whereas Bryan Bridger, minister, did this day deliver a petition to Mr. Speaker, containing matter of scandal to the Church government, and of offence to the State; wherewith the Commons House of Parliament being made acquainted, and the said Bridger, upon his examination obstinately professing and avowing it; it is thereupon Resolved and Ordered, That he should be committed prisoner to the Tower: I do, therefore, in the behalf of the said House, require you to take into your custody the body of the said Bryan Bridger, and to deliver him to the Lieutenant of the Tower, to be kept by him close prisoner, until he shall understand the further pleasure of The House. And this shall be your warrant. From Boswell House, this 29th day of March 1604.

Directed: "To my loving friend Roger Wood, Esq.
Serjeant-at-Arms attendant upon the Commons House
of Parliament.

28 *February* 1606.

For the Release of a Prisoner from the Tower.

Sir Chro. Pygott.

1 Comm. Journ. 344.

This day, upon motion made to the Commons House of Parliament for favour and mercy to be extended towards Sir Chro. Pygott, knight, late one of the Members of the said House, and by the judgment of The House, for rash and scandalous words, committed to the prison of the Tower, and there now remaining; the House is now pleased, and it is so Ordered, That he be forthwith freed and enlarged from his said imprisonment, and be at liberty to dispose of himself in some fitter place for the recovery of his health, now much impaired by his restraint, notwithstanding any former Order or Commandment to the contrary.

Directed: "To my very loving friend Sir William Waade,
Knight, Lieutenant of the Tower of London."

18 *October* 1656.

For the Commitment of Prisoners to Newgate.

Edward Birkehead.

7 Comm. Journ. 441.

By virtue of an Order and Resolution of the Parliament, made this present day, These are to will and require you to receive into your custody, from the hands of Edward Birkehead, esq. Serjeant-at-Arms attending the Parliament, the body of Anthony Hilary, and keep him in safe custody, in your prison of Newgate, during the pleasure of the Parliament; and until you shall receive other warrant from the Parliament for his discharge. Hereof you are not to fail, as you will answer to the contrary at your peril; and this shall be your warrant in that behalf. Given under my hand this 18th day of October 1656.

To the Keeper of the Prison of Newgate.

Anthony Hilary.

7 Comm. Journ. 441.

By virtue of an Order and Resolution of the Parliament, bearing date this day, These are to will and require you to take into your custody the body of Anthony Hilary, and him to convey and deliver into the custody of the keeper of Newgate, to be by him safely kept in his said prison during the pleasure of the Parliament. Hereof you are not to fail; and for so doing this shall be your warrant. Given under my hand this 18th of October 1656.

To Sir Edward, Birkhead, Esq.
Serjeant-at-Arms attending the Parliament.

11 *April* 1604.

For bringing up in Custody Prisoners in the Fleet Prison.

Gyles Sympson and W. Watkins.

1 Comm. Journ. 167.

Whereas Gyles Sympson and William Watkins have committed a manifest contempt against the privileges of this Parliament, and now remain prisoners in the Fleet; it is required by the Commons House of the said Parliament, that you take the bodies of the said Gyles and William into your custody, and bring them into the said House upon Friday the 13th of this month at eight o'clock in the morning, to answer to such matters as shall be objected against them; and this shall be your warrant.

Directed: "To my loving friend Mr. Roger Wood, Esq.,
one of his Majesty's Serjeants-at-Arms, and Serjeant
of the Commons House of Parliament."

13 *April* 1604.

For bringing up a Sheriff to answer for an undue Election and Return.

Sheriff of Cardigan, to be brought up.

1 Comm. Journ. 170.

Whereas two several Indentures have been returned of the election of the burgesses for the town of Cardigan, in Wales; the one between the mayor and such of other contributory towns as ought to be warned, and were warned and made election duly, on the one part; the other between the sheriff and certain electors, unduly procured by himself, at Aberistwith, a contributory town, contrary to the statutes of 23 Hen. 6, and 35 Hen. 8; which said election of the sheriff, as also the return thereof, upon complaint made to the Commons House of Parliament, being adjudged insufficient and void, it is this day ordered, That the Serjeant of the House shall forthwith repair into the said county, and bring with him the body

body of the said sheriff, to appear and answer his said undue election and return, and such other matters as shall be objected against him.

Directed: "To my loving friend Mr. Roger Wood, Esq. Serjeant of the Commons House of Parliament." *Ed. Phelips*, Speaker.

10 *February* 1606.

For a Writ of Habeas Corpus for bringing up a Member's Servant in Execution.

Thomas Finch.

WHEREAS Thomas Finch, servant to Sir Michael Sondys, knight, one of the Members of the Commons House of Parliament, was, upon Friday last, the 6th day of this instant February, arrested upon an action for debt, at the suit of Thomas Knight, of London, fishmonger, and afterwards, his body being brought into the Counter in the Poultry, an execution was laid upon him, and there he remaineth prisoner, to the great contempt of the privilege of this House; it is this day ordered and required, that a writ of habeas corpus *cum causa*, be directed to the sheriffs of London and Middlesex, for bringing of the body of the said Thomas Finch into the said House, upon Friday, at nine o'clock in the forenoon of the same day: and this shall be your warrant.

Ed. Phelips, Speaker.

To my loving friend Sir Geo. Coppin, Knight, Clerk of the Crown in His Majesty's High Court of Chancery.

II.—ORDERS that Parties be sent for in Custody, or be taken into Custody, in order to be brought to the Bar, or to answer Complaints.

9 *March* 1623.

Sir Thomas Gerrard (a Member).
1 Comm. Journ. 680.

THE Serjeant to send presently to bring Sir Thomas Gerrard hither. *The Order drawn, subscribed by the Speaker, and sent away presently.*

22 *April* 1628.

Mr. Pemberton, &c.
1 Comm. Journ. 886.

THOMAS HILL, a menial servant of Mr. Rashley, and daily attendant upon him, arrested at the suit of William Pemberton, brewer, to have privilege; and Pemberton, and the Serjeant that arrested him, to be sent for by the Serjeant of this House to answer for their contempt.

29 *October* 1641.

Sir John Coke.
11 Comm. Journ. 29[illegible]

"RESOLVED, upon the question, that Sir John Coke, knight, shall be forthwith sent for, as a delinquent, by the Serjeant-at-Arms attending on this House."

18 *December* 1661.

Mr. Sheriff Sterling.

UPON information given to this House that Alderman Sterling, one of the sheriffs of London, being served with an Order, signed by Mr. Speaker, to discharge James Lyde, menial servant to Sir Henry Herbert (who was arrested and imprisoned in the Poultry Compter), out of prison; the said sheriff refused to obey the said Order, or discharge the said Lyde, but put the Order up in his pocket, and said he would answer it to the Speaker in The House;

8 Comm. Journ. 335.

Resolved, That the said Sheriff Sterling be forthwith this morning sent for, in custody of the Serjeant-at-Arms, to this House, to answer his misdemeanour and breach of privilege.

2 *June* 1675.

Sir J. Churchill and others.
Who had escaped fr[illegible] custody.

WHEREAS Sir John Churchill, Mr. Serjeant Peck, and Mr. Serjeant Pemberton, were, by virtue of an Order of this House yesterday, in the custody of the Serjeant-at-Arms then attending this House, and, by the negligence of the said Serjeant, have made their escape;

9 Comm. Journ. 351.

Ordered, That Mr. Speaker do issue out his warrant to Robert Read, esquire, the Serjeant-at-Arms now attending this House, to bring the said Sir John Churchill, Mr. Serjeant Peck, and Mr. Serjeant Pemberton, in custody at the Bar of this House to-morrow morning, nine of the clock.

4 *April* 1700.

Thomas Rogers.
13 Comm. Journ. 31

ORDERED, That the said Thomas Rogers be, for the said offence, sent for in custody of the Serjeant-at-Arms attending this House.

12 *March* 1713.

John Quin.
17 Comm. Journ. 49

ORDERED, That the said John Quin be sent for immediately into custody of the Serjeant-at-Arms attending this House.

Appendix, No. 7.

Extracts from Commons' Journals.

30 *March* 1731.

W. Satchwell and L. Poulter.

The House being informed that William Satchwell and Leonard Poulter, who were yesterday ordered to attend the House this day, do not attend; and two persons being called in and examined at the Bar, who proved that their orders for their attendance were left at their respective dwelling-houses;

Ordered, That the said William Satchell *be sent for in custody* of the Serjeant-at-Arms attending this House; and that Mr. Speaker do issue his warrant accordingly.

21 Comm. Journ. 705.

Similar Order as regards Leonard Poulter.

12 *April* 1738.

To be sent for or brought up.
G. E. Jeweller and others.
For counterfeiting franks.

Complaints having been made that certain persons had counterfeited Members' franks, and witnesses having been examined thereon;

Ordered, *nemine contradicente*, That George Edwin Jeweller be sent for in custody of the Serjeant-at-Arms attending this House, in order to be brought to the Bar of this House, to be examined, touching the matter of the said complaint.

23 Comm. Journ. 146.

Similar Orders in regard to Case Billingsley, John Jones, Mr. Paynter, Mr. Dawson, and William Burridge.

8 *February* 1739.

Ib. 451, 452.

Similar Orders in the like cases of Cor. M'Gillicuddy, Mark Goold, J. Price, William Dwyer, Edward Parks, James Lesley, Frances Hickinbotham, William Cockburn, and J. Wyatt.

12 *February* 1768.

John Reynolds.
On charge of corrupt practices.

And the said John Reynolds having, in the course of the examination of several persons, been charged with being guilty of corrupt practices relating to several boroughs;

Ordered, That the said John Reynolds be taken into the custody of the Serjeant-at-Arms attending this House, in order to his being brought up upon Monday morning next, to answer the said charge.

31 Comm. Journ. 606.

27 *April* 1775.

Thomas Spencer and others.
For avoiding service of an Order of the House.

Report from Committee, That Thomas Spencer, carpenter, and John Becket, baker, two of the persons who were ordered to attend the said Committee, had not attended; and that it appeared to the said Committee that the said Thomas Spencer and John Becket had yesterday attended this House in pursuance of their Order, on the second reading of the said Bill; but had purposely kept out of the way, in order to avoid being served with the Order of this House for their attendance on the said Committee this day.

35 Comm. Journ. 323, 324.

Ordered, That the said Thomas and John Becket be sent for, in custody of the Serjeant-at-Arms attending this House; and that Mr. Speaker do issue his warrants accordingly.

22 *June* 1781.

Theophilus Swift.
To answer the complaint of a member.

On complaint made of Theophilus Swift, esquire, of having sent letters to a Member containing a challenge to the said Member for his conduct on a Select Committee;

Ordered, *nemine contradicente*, That the said Theophilus Swift, esquire, be taken into the custody of the Serjeant-at-Arms attending this House, to answer the matter of the said complaint.

38 Comm. Journ. 535.

20 *May* 1825.

Robert Poer Trench Pilkington.
To be brought to the bar.

Resolution, That Robert Poer Trench Pilkington be taken into the custody of the Serjeant-at-Arms attending this House, in order to his being brought to the Bar;

Ordered, That Mr. Speaker do issue his warrant accordingly.

80 Comm. Journ. 445.

14 *June* 1827.

Thomas Flanagan.
For forgery of signatures to a petition.

Resolution, That Thomas Flanagan having been privy to and cognizant of the forgery of certain signatures affixed to a petition, purporting to be an election petition from the borough of Athlone, delivered in on the 1st day of Deeember last, has been guilty of a high breach of the privileges of this House.

Ordered, That Thomas Flanagan be taken into the custody of the Serjeant-at-Arms attending this House, in order to his being brought to the Bar; and that Mr. Speaker do issue his warrant accordingly.

82 Comm. Journ. 561.

III.—Orders for taking Parties into Custody, generally, without expressing that they had been guilty of Contempt.

5 *November* 1641.

Robert Steward.
To be examined.

Ordered, That Sir Robert Pye and Mr. Glyn shall, this night or to-morrow morning, examine Robert Steward touching the information given in of words spoken by him, and report the business to-morrow morning; and that, in the meantime, he shall remain in the Serjeant's custody attending on this House.

2 Comm. Journ. 306.

15 *February* 1731.

Appendix, No. 7.

Extracts from Commons' Journals.

REPORT from the Committee to whom the petition of the proprietors of the Charitable Corporation for Relief of Industrious Poor, by assisting them with small sums, upon pledges, at legal interest, assembled at their general court, is referred; that the Committee *had reason to apprehend* that John Thomson, warehouse-keeper to the said corporation, Francis Thomson, David Faikney, Thomas Leafe, deputies of the said John Thomson, Richard Woolley, Thomas Warren, John Wainwright, cashier to the said corporation, John Venables, accomptant to the said corporation, and Thomas Hodgson, *intend to withdraw themselves from examination*; and that he was directed by the Committee to move The House that the said persons may be taken into the custody of the Serjeant-at-Arms attending this House, in order to their being examined:

J. Thomson and others. On report that they were likely to withdraw themselves from examination.

Ordered, That the said John Thomson be taken into the custody of the Serjeant-at-Arms attending this House.

Similar Orders as regards Francis Thomson, David Faikney, Thomas Leafe, Richard Woolley, Thomas Warren, John Wainwright, John Venables, and Thomas Hodgson. 21 Comm. Journ. 800.

27 *February* 1732.

SIMILAR Order in regard to Abraham Munioz, who, it was apprehended by a Committee, intended to withdraw himself from examination. 22 Comm. Journ. 61.

22 *February* 1731.

REPORT from the Committee to whom the petition of the proprietors of the Charitable Corporation, &c. is referred, That William Burroughs, esq. and William Squire, having been summoned to attend the said Committee in order to their being examined, had withdrawn themselves from examination:

W. Burroughes and W. Squire. On report that they had withdrawn themselves from examination.

Ordered, That William Burroughs, esq. be taken into custody of the Serjeant-at-Arms attending this House.

Similar Order as regards William Squire. 21 Comm. Journ. 810.

5 *July* 1820.

THE shorthand writer who attended the Select Committee on the Grantham Election attending according to Order, was called in, and at the Bar read an extract from the Minutes of the Evidence taken before the said Committee:

Sir W. Manners and R. A. Jervis.

Ordered, That Sir William Manners, baronet, be taken into the custody of the Serjeant-at-Arms attending this House.

Similar Order for the commitment of Richard Armson Jarvis. 75 Comm. Journ. 404.

7 *July* 1820.

THE Serjeant-at-Arms attending this House being called upon to give an account of what had been done in execution of the Order of The House of Wednesday last, for taking into custody Sir William Manners, baronet, and Richard Armson Jarvis:

The messenger to whom the said Order was delivered informed The House of his having gone to Buckminster, and stated that on calling at the residence of Sir William Manners, found he was not there; but seeing Sir William Manners's steward, "showed him *Mr. "Speaker's Warrant*, and begged him to read it, which he did," &c. 75 Comm. Journ. 419.

10 *June* 1835.

RESOLUTION of Ipswich Election Committee, That John Bury Dasent, esquire, John Bond, Arthur Bott Cooke, Robert Burcham Clamp, and John Pilgrim, were guilty of absconding to avoid being served with the Speaker's Warrant, and that John Eddowes Sparrowe and John Clipperton, the avowed agents of the sitting Members, and Peter Frederick O'Malley, esquire, one of the counsel employed by the sitting Members, aided and abetted them in keeping out of the way, to avoid giving their evidence before the Committee. J.B. Dasent and others. For absconding. 90 Comm. Journ. 324.

11 *June* 1835.

MOTION made, That John Bond, Arthur Bott Cooke, Robert Burcham Clamp, Frederick O'Malley, esquire, John Eddowes Sparrowe, and John Clipperton be, for their said several and respective offences, taken into the custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his warrants accordingly.

Question amended, the names of John Bury Dasent, esquire, and John Pilgrim being added thereto.

Question further amended, the words "for their said several and respective offences" being omitted.

Appendix, No. 7.
Extracts from Commons' Journals.

Ordered, That John Bond, Arthur Bott Cooke, Robert Burcham Clamp, Frederick O'Malley, esquire, John Eddowes Sparrowe, John Clipperton, John Bury Dasent, esquire, and John Pilgrim be taken into the custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his warrants accordingly.

90 Comm. Journ. 330.

IV.—Orders for the Commitment of Parties to the Custody of the Serjeant-at-Arms, for Breaches of Privilege and Contempts, unaccompanied by Orders for the Issue of Warrants.

1 *June* 1675.

Serjeant Pemberton and others. For pleading before the Lords in an appeal case.

Ordered, That Serjeant Pemberton be taken into the custody of the Serjeant-at-Arms attending this House, for his breach of the privilege of this House.

Similar Orders for the commitment of Sir John Churchill, Mr. Serjeant Peck, and Charles Peck, esquire.

9 Comm. Journ. 350.

[No warrants ordered to be issued.]

2 *June* 1675.

Mr. Speaker thanked for issuing his warrant.

9 Comm. Journ. 351.

Ordered, That the thanks of this House be returned to Mr. Speaker for his great care of the honour and service of this House *in issuing his Warrant for executing the Order of this House*, for taking the persons into custody which were committed yesterday to the Serjeant-at-Arms.

4 *June* 1675.

Serjeant with the Mace.
Sir John Churchill and others.

The House being informed, that Sir John Churchill, Mr. Serjeant Peck, and Mr. Charles Porter, who were ordered to be taken into the custody of the Serjeant-at-Arms attending this House, are now in Westminster Hall:

Ordered, that the Serjeant-at-Arms now attending this House *do go with his mace* into Westminster Hall, *and do execute the Order of this House, and the warrant of Mr. Speaker thereupon*, for seizing and bringing into custody Mr. Serjeant Peck, Sir John Churchill, and Mr. Charles Porter, for their breach of the privilege of this House.

9 Comm. Journ. 353.

The Serjeant returning, gave an account that he had executed the Order of this House, and Mr. Speaker's warrant thereupon; and had brought the said Mr. Serjeant Peck, Sir John Churchill, and Mr. Charles Porter, in custody, into the Speaker's chamber.

28 *March* 1702.

Report of Serjeant-at-Arms.

The Serjeant-at-Arms being called upon to give The House an account of what he has done in relation to the apprehending of the persons at Coventry, ordered to be taken into his custody.

He acquainted The House, that he having sent his messenger, *with a warrant*, to Coventry, he was informed that some person had gone post before his messenger, and given them notice, though he got thither by the next day at noon, upon which they were fled or absconded; and that his messenger having taken one Edward Bosworth, of the city of Coventry, to his assistance, the said Bosworth was threatened for what he did, by Mr. Edward Owen, alderman of the said city; and that the said Bosworth attended to give The House an account thereof.

Resolution, That Mr. Edward Owen, alderman of Coventry, is guilty of a breach of the privilege of this House, and contempt against the same, by using threatening language against the person that assisted the Serjeant in the execution of the Orders of this House.

13 Comm. Journ. 825, 826.

Resolution, That the said Mr. Edward Owen be, for his said crime, taken into the custody of the Serjeant-at-Arms attending this House.

5 *December* 1704.

The Aylesbury Men.

[Orders that John Paty, John Oviat, John Paton, junior, Henry Basse, and Daniel Horn be committed prisoners to Her Majesty's gaol at Newgate, and that Mr. Speaker do issue his warrants accordingly.]

Ordered, That the said Mr. Robert Mead be, for his said offence, taken into the custody of the Serjeant-at-Arms attending this House.

13 Comm. Journ. 445.

[No warrant ordered to be issued.]

26 *February* 1704.

Ordered, That the said Francis Page be, for the said breach of privilege, taken into the custody of the Serjeant-at-Arms attending this House.

Similar Orders for the commitment of Mr. James Mountague, Mr. Nicholas Lechmere, and Mr. Alexander Denton.

[No warrants ordered to be issued.]

[On

[On the same day John Paty, John Oviat, John Paton, junior, Henry Basse, and Daniel Horne, prisoners in Newgate, were ordered to be discharged from their confinement there, and immediately removed and delivered over into the custody of the Serjeant attending this House; and that Mr. Speaker do issue his warrants for their removal, &c.]

16 *August* 1714. — 14 Comm. Journ. 552.

And the Serjeant-at-Arms being called upon to give an account what he had done in relation to the persons who were the last Session of Parliament ordered to be taken into custody; he acquainted The House, that he had sent a messenger, with Mr. Speaker's warrant, into Wales, to apprehend Mr. Wm. Waller, who was ordered to be taken into custody for a breach of privilege committed against Edward Vaughan, esquire, a Member of this House; but that the said Mr. Waller so absconded that he could not be taken:

Report of the Serjeant-at-Arms.

And that, as to Mr. John Ord, William Ramsey, esquire, Mr. John Mowbray, Philip Hazard, Nicholas Sparke, and Henry Taylor, who were ordered to be taken into the custody of the Serjeant-at-Arms, upon a complaint of a breach of privilege committed against George Pitt, esquire, a Member of this House, he acquainted The House, *That he had not Mr. Speaker's warrant* till about two hours before the last Session of Parliament was prorogued. 18 Comm. Journ. 9.

26 *March* 1719.

Ordered, That the said Benjamin Hodgson be, for his said contempt in not obeying the summons of the said Committee, taken into the custody of the Serjeant-at-Arms attending this House.

Benjamin Hodgson. For disobeying summons of a Committee. 19 Comm. Journ. 143.

7 *June* 1721.

Report, That Doctor Gaylard and Nathanael Wilkinson had been summoned to attend the said Committee, and had not obeyed the said summons, in contempt of the privilege of this House.

Dr. Gayland and others. For disobeying summons of a Committee.

Ordered, That the said Doctor Gaylard be, for his said contempt, taken into the custody of the Serjeant-at-Arms attending this House.

Similar Order as regards Nathanael Wilkinson. 19 Comm. Journ. 582.

14 *June* 1721.

The House informed, that Charles Molloy, esquire, Samuel Forster, esquire, and Mr. Thomas Gordon, had been duly summoned to attend the said Committee; but had, in contempt of the authority of this House, neglected to attend the said Committee.

C. Molloy and others. For disobeying summons of a Committee.

Ordered, That the said Charles Molloy, esquire, be, for his said contempt, taken into the custody of the Serjeant-at-Arms attending this House.

Similar Order as regards Samuel Forster, esquire.

Similar Order as regards Mr. Thomas Gordon. 19 Comm. Journ. 590.

18 *January* 1722.

Resolved, That Mr. Case Billingsley, having been summoned to attend the Committee appointed to inquire into the project commonly called the Harburgh Lottery, and all other foreign lotteries now carrying on in the City of London; and having neglected to obey such summons, is guilty of a contempt of the authority of this House.

Mr. Case Billingsley For having neglected the summons of a Committee.

Ordered, That the said Case Billingsley be, for his said contempt, taken into the custody of the Serjeant-at-Arms attending this House. 20 Comm. Journ. 91.

18 *January* 1722.

Resolved, That the said William Young, clerk, having been summoned the 22d of November last to attend this House upon the 15th instant, and having neglected to attend in obedience to the said summons, is guilty of a contempt of the authority of this House.

William Young.

Ordered, That the said William Young, for his said contempt, be taken into the custody of the Serjeant-at-Arms attending this House. 20 Comm. Journ. 92.

18 *February* 1722.

Resolved, That Richard Franklin, bookseller, having refused, when duly summoned, to attend a Committee of this House, is guilty of a notorious contempt of the authority, and of a breach of the privilege of this House.

Richard Franklin. For refusing to attend a Committee.

Ordered, That the said Richard Franklin be, for his said contempt and breach of privilege, taken into the custody of the Serjeant-at-Arms attending this House. 20 Comm. Journ. 143.

31 *March* 1729.

Resolved, That Richard Corbet, a tipstaff to Thomas Bambridge, warden of the Fleet prison, having spoken words reflecting upon the proceedings and the authority of a Committee of this House appointed to inquire into the state of the gaols of this kingdom, is guilty of a high contempt of the authority of this House, and a breach of the privilege thereof.

Richard Corbet. For words spoken.

Ordered, That the said Richard Corbet be, for his said offence, taken into the custody of the Serjeant-at-Arms attending this House. 21 Comm. Journ. 307.

Appendix, No. 7.

Extracts from Commons' Journals.

20 *February* 1732.

Henry Strachey. For not producing books and papers.

REPORT from Committee, That Henry Strachey, Secretary to the Governor and Company of Undertakers for raising the Thames Water, in York Buildings, has disobeyed the Order of the said Committee, by delivering to the governor of the said company a book of copies of letters, some of which relate to the affairs of the said company, after he had received the Order of the said Committee to lay before them all the books and writings in his custody relating to the said company.

22 Comm. Journ. 51.

Ordered, That the said Henry Strachey be, for his said offence, taken into the custody of the Serjeant-at-Arms attending this House.

23 *January* 1735.

John Perkins. For resisting the high constable of Westminster.

RESOLVED, *nemine contradicente*, That John Perkins having yesterday, between the hours of twelve and one in the afternoon, abused, resisted, and assaulted Arthur Rawlinson, high constable of the liberty of Westminster, in the execution of the Order of The House, made upon Friday, the 16th day of this instant January, for keeping the passages through the streets between Temple-bar and Westminster-hall free and open, that the passage of the Members to and from this House may not be obstructed, during the times therein mentioned, is guilty of a contempt of the said Order, and of a breach of the privilege of this House.

22 Comm. Journ. 511.

Ordered, *nemine contradicente*, That the said John Perkins be, for the said contempt and breach of the privilege of this House, taken into the custody of the Serjeant-at-Arms attending this House.

27 *January* 1762.

29 Comm. Journ. 128.

SIMILAR Order given under the like circumstances in the case of William Vaughan.

7 *May* 1736.

Abraham Ilive and others. For prevarication.

REPORT from Committee appointed to inquire into the printer and publishers of a printed pamphlet, intituled, "A Bill for suppressing Geneva, by laying a duty on Spirituous Liquors, "and for licensing the Retailers thereof; London, printed in the year 1736." That Abraham Ilive had been examined by the said Committee, and had prevaricated in his evidence:

22 Comm. Journ. 707.

Ordered, That the said Abraham Ilive, having prevaricated in his evidence before the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.

23 *March* 1749.

25 Comm. Journ. 809, 810.

SIMILAR Order in the case of John Longland.

11 *May* 1772.

33 Comm. Journ. 746.

SIMILAR Order in the case of Mary Hosse.

15 *May* 1742.

Joseph Bell. For refusing to answer.

24 Comm. Journ. 230.

ORDERED, That the said Joseph Bell having been examined by the Committee of Secrecy in the most solemn manner, and refuing to answer to what demanded of him by the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.

3 *March* 1746.

William Leverland. For non-attendance.

25 Comm. Journ. 308.

ORDERED, That the said William Leverland having been ordered to attend this House upon this day, and not having attended, although he had notice of the said Order, be, for his said contempt, taken into the custody of the Serjeant-at-Arms.

16 *February* 1774.

34 Comm. Journ. 465.

SIMILAR Order given in the case of the Reverend John Horne.

26 *February* 1771.

John Wheble. For non-attendance.

RESOLUTION, That the said John Wheble be, for his contempt, in not obeying the Order of this House for his attendance on the House this day, taken into the custody of the Serjeant-at-Arms, or his Deputy, attending this House.

33 Com. Journ. 208.

SIMILAR Order, in the case of R. Thompson.

14 *March* 1771.

John Miller.

RESOLUTION, That the said John Miller be, for his contempt, in not obeying the Order of the House, for his attendance on this House this day, taken into the custody of the Serjeant-at-Arms, or his Deputy, attending this House.

[No warrant ordered to be issued.]

18 *March* 1771.

Report of Serjeant-at-Arms.

Mr. Speaker acquainted The House, That he having, in pursuance of the Order of The House of Thursday last, *issued his warrant* to the Serjeant-at-Arms, or his deputy, attending this House, to take into custody J. Miller; the messenger to whom the said warrant was delivered, had, by virtue thereof, arrested the said J. Miller on Friday last; and that thereupon the said messengers, having been charged in custody of a constable by the said J. Miller, as having committed an assault on the person of the said J. Miller, the said messenger was carried before the Lord Mayor of the City of London, by the said constable, when the Deputy Serjeant-at-Arms attending this House acquainted the said Lord Mayor, that the said arrest of the said J. Miller was made by the said messenger, under a warrant signed by the Speaker of the House of Commons, which warrant was then produced and shown to the said Lord Mayor, and demanded of the said Lord Mayor that the said messenger should be discharged, and the said J. Miller delivered up to the custody of the said messenger; and that the said Lord Mayor, after such information and demand as aforesaid, having heard the several parties so brought before him, and seen the warrant signed by the Speaker, for the apprehension of the said J. Miller, declared it to be his opinion that the said warrant was illegal, and that the said J. Miller ought to be discharged, and ordered him to be discharged accordingly.

33 Comm. Journ. 263.

V.—Orders for the Confinement of Parties in close Custody [with and without Orders for the issue of Warrants.]

17 *June* 1715.

Matthew Pryor. In order to be examined.

Mr. Walpole acquainted The House, that pursuant to their Order, Matthew Pryor, esq. had been yesterday examined before the Committee of Secrecy; and during a long examination there appeared matters of such importance, that the Committee had directed him to move The House that he may be confined in close custody, and no person permitted to come to him:

Ordered, That Matthew Pryor, esq., now in custody of the Serjeant-at-Arms attending this House, be confined in close custody, and no person permitted to come to him without leave from Mr. Speaker.

18 Comm. Journ. 177.

30 *March* 1731.

Daniel Jevon.

The House being informed that Daniel Jevon attended at the door, he was called in, and examined at the Bar touching the discharge of the debt for which he was in execution, and his withdrawing himself.

And not giving The House a satisfactory account, he was directed to withdraw; *and the Serjeant-at-Arms, attending The House, was directed to keep him in safety, and not to permit any person to have access to him.*

And some other persons were also called in, and examined at the Bar touching the same matters; and being withdrawn:

Ordered, That Daniel Jevon be taken into the custody of the Serjeant-at-Arms attending this House, in order to his being brought up to-morrow morning to be further examined; and that no person be permitted to have any access to him; and that Mr. Speaker do issue his warrant accordingly.

21 Comm. Journ. 705.

11 *February* 1768.

Robert Withy. In order to be further examined.

Ordered, That Robert Withy be taken into the custody of the Serjeant-at-Arms attending this House, in order to his being brought up to-morrow morning to be further examined; and that no person be admitted to speak to him but in the presence of the Serjeant-at-Arms attending this House, or his deputy, and giving to the said Serjeant, or his deputy, their names and places of abode; and that no letters be delivered to, or sent from, the said Robert Withy, during the time he shall so remain in custody; and that Mr. Speaker do issue his warrant accordingly.

31 Comm. Journ. 603.

12 *February* 1768.

31 Comm. Journ. 606.

Ordered, That the said Robert Withy be continued in the custody of the Serjeant-at-Arms attending this House, in order to his being brought up upon Monday morning next, to be further examined.

19 *May* 1733.

Caleb Leigh. For prevarication.

Sir William Younge reported from the Committee appointed to inquire into the frauds and abuses in the Customs, to the prejudice of trade and diminution of the revenue, that he was directed by the Committee to acquaint The House, that Caleb Leigh had been examined by the said Committee, and had prevaricated in his evidence.

Ordered, That the said Caleb Leigh, having prevaricated in his evidence before the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.

Appendix, No. 7.

Extracts from Commons' Journals.

Ordered, That no person be permitted to have access to the said Caleb Leigh without the leave of this House.

22 Comm. Journ. 157.

Ordered, That the Serjeant-at-Arms attending this House, when he shall have apprehended the said Caleb Leigh, do, from time to time, bring him to the Committee appointed to inquire into the frauds and abuses in the Customs, to the prejudice of trade and the diminution of the revenue, in order to his being examined as often as the said Committee shall think fit to require the same.

25 *May* 1733.

22 Comm. Journ. 163.

SIMILAR Order in the case of Thomas Bottomley.

13 *April* 1742.

Nicholas Paxton. For refusing to answer.

RESOLUTION, That the said Nicholas Paxton having been examined by the Committee of Secrecy in the most solemn manner, and refusing to answer to what was demanded of him by the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House:

24 Comm. Journ. 180, 181.

Ordered, That the said Nicholas Paxton, while in the said custody, be not allowed the use of pen, ink, or paper; and that no person be permitted to have access unto him without leave of this House.

16 *February* 1809.

Capt. Huxley Sandon. For prevarication.

64 Comm. Journ. 54.

ORDERED, *nemine contradicente*, That Captain Huxley Sandon be, for his said offence, committed to the custody of the Serjeant-at-Arms attending this House, and that no person be permitted to have any access to him, and that Mr. Speaker do issue his warrant accordingly.

VI.—PARTIES taken into Custody without any previous Order of The House.

11 *June* 1824.

Robert Gourlay. For assaulting a Member.

MR. SPEAKER stated to The House that having received information that a Member had been assaulted in the Lobby of The House, he had directed the Serjeant-at-Arms to take Robert Gourlay, who had committed the assault, into his custody. And it appearing from the statements of several Members that doubts might be entertained as to the sanity of the said Robert Gourlay;

79 Comm. Journ. 483.

Ordered, That the said Robert Gourlay do stand committed to the custody of the Serjeant-at-Arms.

22 *May* 1830.

William Clifford. For throwing papers into The House.

A STRANGER in the gallery having been observed to throw papers into The House, the Serjeant-at-Arms reported that he had taken the said stranger (William Clifford) into his custody.

Ordered, That William Clifford be brought to the Bar in custody of the Serjeant-at-Arms.

William Clifford was accordingly brought to the Bar, and, being examined, admitted that he had thrown such papers into The House.

85 Comm. Journ. 461.

Ordered, That the said William Clifford do stand committed to the custody of the Serjeant-at-Arms attending this House.

28 *February* 1831.

A Stranger. For interrupting a debate.

A STRANGER in the gallery having interrupted the said debate by an exclamation in contradiction to an assertion made by a Member in his speech, Mr. Speaker directed the Serjeant-at-Arms immediately to take the said stranger into his custody.

86 Comm. Journ. 323.

The Serjeant-at-Arms reported that he had taken the stranger into his custody accordingly.

86 Comm. Journ. 325.

Ordered, That the Serjeant-at-Arms do bring the stranger now in his custody to the Bar of this House.

VII.—A MEMBER who had escaped from Custody, ordered by Mr. Speaker to be seized.

27 *February* 1810.

John Fuller, Esq. a Member.

ORDERED, *nemine contradicente*, That the said John Fuller, esq., for his offensive words and disorderly conduct, be taken into the custody of the Serjeant-at-Arms attending this House; and that Mr Speaker do issue his warrant accordingly.

Extracts from Commons' Journals.

And the Serjeant-at-Arms, having informed The House that he had, *pursuant to their Order*, taken into custody the said Mr. Fuller:—

The said Mr. Fuller returning into The House in a very violent and disorderly manner, Mr. Speaker resumed the Chair, *and ordered the Serjeant to do his duty*: Mr. Fuller was accordingly taken out by the Serjeant, assisted by his messengers. 65 Comm. Journ. 134.

VIII.—Mr. Speaker causes a Person to be seized who had been ordered into Custody.

4 *June* 1675.

Ordered, That the thanks of The House be returned to Mr. Speaker, for causing Mr. Serjeant Pemberton, formerly committed by Order of this House to the custody of the Serjeant-at-Arms attending this House, for a breach of privilege, to be seized and taken into custody in Westminster Hall, for his breach of privilege. Mr. Serjeant Pemberton. 9 Comm. Journ. 353.

IX.—Orders to the Serjeant to take Prisoners in his Custody before Committees.

16 *February* 1809.

Ordered, That the Serjeant-at-Arms do bring the said Captain Huxley Sandon to the said Committee when and so often as he shall be required by the Committee so to do. Capt. Huxley Sandon. 64 Comm. Journ. 54.

28 *August* 1835.

Ordered, That the Serjeant-at-Arms do take the said Norman M'Lean to the said Committee when and as often as he shall be required by the Committee so to do. Norman M'Lean. 90 Comm. Journ. 601.

31 *July* 1835.

Ordered, That William Prentice, for his said offence, be committed to the custody of the Serjeant-at-Arms attending this House; and that Mr. Speaker do issue his warrants accordingly. William Prentice. Refusing to answer a question, after having been informed by the Speaker that he ought to answer it.

Ordered, That the Serjeant-at-Arms do bring the said William Prentice from time to time to the Select Committee on the Great Yarmouth and York Elections Bribery Petitions as often as may be required by the Committee. 90 Comm. Journ. 504.

X.—Order for the Seizure of Papers.

16 *February* 1809.

Ordered, That the Serjeant-at-Arms do cause the said Captain Huxley Sandon to be taken to his lodgings, and that search be made there for any papers in which mention is made of Tonyn's business, and to bring the same, if any can be found, with the prisoner, to The House. Capt. Huxley Sandon. 64 Comm. Journ. 54.

XI.—Sessional Orders to the Serjeant to take Persons into Custody who shall be in Contempt of such Orders.

Ordered, That the Serjeant-at-Arms attending The House do, from time to time, take into his custody any stranger whom he may see, or who may be reported to him to be in any part of the House or gallery appropriated to the Members of this House, and also any stranger who, having been admitted into any other part of the house or gallery, shall misconduct himself, or shall not withdraw when strangers are directed to withdraw, while The House or any Committee of the whole House is sitting; and that no person so taken into custody be discharged out of custody without the special order of The House. Strangers.

Ordered, That the Serjeant-at-Arms attending this House do take into his custody such footmen as shall presume to disobey the Orders of The House; and that no such footmen be discharged out of custody but by the special order of The House. Footmen.

XII.—Various Purposes in relation to the Custody of Parties for which Mr. Speaker has been ordered to issue his Warrants; with References to the Journals.

For committing a Member to the Tower, i. 336; ix. 350-642; lxv. 252.

For committing other persons to the Tower, i. 158; ix. 629.

Appendix, No. 7.

Extracts from Commons' Journals.

For committing persons to Newgate, xiii. 735; xxxv. 323; lxxv. 384. 423; xc. 501, &c.

——————— and other Prisons, xxxv. 323.

For committing persons to the custody of the Serjeant-at-Arms, i. 167. 170; lxxv. 404; xc. 330, &c.

A Member to the custody of the Serjeant, lxv. 134.

For bringing up a Member in custody, xi. 284.

For a Member to attend the Lords in custody, xi. 302.

For a Member to go in custody for two days to inspect his papers, xi. 305.

For a Member to attend a Committee of both Houses, xi. 314.

For persons to be sent for in custody of the Serjeant, xxxv. 324.

For persons to be sent for to answer complaints, xxxviii. 535.

For committing persons to the custody of the Serjeant-at-Arms, in order to their being brought to the Bar, lxxx. 445.

That persons do stand committed to the custody of the Serjeant, xliv. 173; xlvi. 342; lviii. 221–237.

To the Keeper of Newgate and other prisons, to deliver prisoners into the custody of the Serjeant-at-Arms, ii. 203; xiv. 552; xxvi. 164; xxxviii. 296; cx. 509. 527.

For removing prisoners from the custody of the Serjeant to the Keeper of a Prison xiii. 538.

For remanding prisoner to Newgate, xxiii. 547; or other prisons, xc. 517.

For removing persons from one prison to another, xxxv. 338.

For detaining persons in Newgate, xxix. 379.

For bringing persons to the Bar, in order to be discharged, lviii. 293; lxxv. 428; lxxxiii. 146; xc. 543, &c.

For discharging Members from the Tower, ix. 362; xi. 581, &c.

For discharging a person out of the custody of the Serjeant-at-Arms, xc. 532.

For discharging persons out of Newgate and other prisons, i. 345; ix. 359; xl. 366; lxxv. 467; lxxxvi. 333.

To the Lieutenant of the Tower, to bring a Member in his custody to attend a Committee as often as they shall require the same, xix. 515.

That the Warden of the Fleet do bring a Member in safe custody to the Committee of Privileges as often as his attendance shall be thought necessary, lxxxvi. 668.

That the Warden of the Fleet or other officer in whose custody a Member may be, do bring the said Member in safe custody on a future day at 1 o'clock to the Committee of Privileges, and so from time to time as often as his attendance shall be thought necessary, xcii. 23.

To the Marshal of the King's Bench Prison, to bring a sitting Member in his custody to the Bar to defend his return, if required so to do, lxxv. 263.

That the Marshal of the King's Bench Prison do bring persons in his custody for the purpose of being examined as witnesses before Committees, xix. 566; lxiv. 72. 140; xc. 553.

Similar warrant to the Keeper of Whitecross-street Prison, xcii. 365.

——————— to the Warden of the Fleet, lxiv. 72. 140.

——————— and other Gaolers, lxiv. 122.

That the Keeper of Newgate do bring a person in his custody to a Select Committee, in order to his being examined as often as the said Committee shall think fit, lxii. 350; lxxv. xc. 434.

To be examined as a witness at the Bar of this House, xxi. 113; lxxxii. 464.

To the Marshal of the King's Bench, to attend The House with a prisoner, in order to her being examined as a witness before a Committee of the whole House on a Bill, lxxiv. 314. 323; lxxxvi. 795.

To the Marshal of the King's Bench and the Serjeant-at-Arms, to bring Members in custody to The House, lxix. 381. 407.

To the same, remanding Members so brought, lxix. 432.

To

To the Keepers of Prisons and the Serjeant-at-Arms, to bring persons to the Bar, xxii. 557. 821. 830.

To the Serjeant-at-Arms, Justices of Peace, and Bailiff of Westminster, to preserve order and enforce regulations on The House going to St. Paul's, xliv. 283; liii. 154; lxix. 424.

To apprehend persons to be named to him by the Chairman of a Committee, xviii. 165.

To issue warrants, to take into custody such persons as shall be nominated to him, ii. 387. 365. 380. 386. 613; iii. 21; iv. 238; ix. 582. 668. 670. 687.

To appoint physicians to attend persons under commitment by The House, xxvi. 164.

To allow the use of pen, ink, and paper to persons under commitment by The House, xxvi. 164.

To admit persons to resort to parties under commitment by The House, xxvi. 164.

To send for persons by warrant, and require good bail of them, v. 181.

For bailing a prisoner, vii. 373.

For breaking open doors, v. 609.

For apprehending persons, ix. 337. 352.

For apprehending all such persons as shall attempt to restrain the Serjeant-at-Arms from executing his office, ix. 353.

REPORT

FROM THE

STANDING COMMITTEE

ON

THE LIBRARY OF THE HOUSE;

TOGETHER WITH

AN APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
4 *August* 1845.

Mercurii, 5° die Februarii, 1845.

Resolved, THAT a Standing Committee be appointed to assist Mr. Speaker in the direction of the Library, and to whom shall be referred all matters relating thereto.

Committee appointed:

Sir R. H. Inglis.	Viscount Palmerston.
Mr. Chancellor of the Exchequer.	Mr. W. E. Gladstone.
Lord John Russell.	Mr. Serjeant Stock.
Sir Robert Peel.	Viscount Mahon.
Mr. Baring.	Colonel Fox.
Mr. Williams Wynn.	Mr. Gally Knight.
Mr. Rutherford.	Mr. Pendarves.
Mr. Shaw.	Mr. Acland.

Ordered, THAT Five be the Quorum of the said Committee.

REPORT - - - - - - - - - - - - - p. 3
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. 7
APPENDIX - - - - - - - - - - - - - p. 7

REPORT.

I. ADDITIONS TO THE LIBRARY.

Your Committee, in beginning their Annual Report on the state of the Library, and on the measures which may be necessary to enlarge its usefulness, —as the period approaches when the new rooms shall be opened for its reception, and for the fitting extension of the collection,—have great satisfaction in announcing to The House, that the late Edward Phillips, Esq. M.A., formerly Secretary for upwards of sixteen years to your then Speakers, afterwards the Lord Colchester and the Lord Viscount Canterbury, has provided by his will, and by codicil thereto, the sum of 400*l.*, to be laid out in the purchase of books, to be placed in your Library for the use of The House. Extracts from the will and codicil relating to this bequest will be found in the Appendix. Your Committee consider it desirable, that in just and appropriate commemoration of this bequest, the books to be purchased therewith be, as nearly as possible, some one series selected with reference to some one general subject, and be placed together accordingly, in cases marked with the name of Phillips.

In immediate connexion with this announcement, your Committee think it right to state, that though, from the inadequate size of the rooms forming the present Library, they have been compelled to limit the supply of books of reference to the lowest amount, and have not since the fire of 1834 attempted even to replace the collection then destroyed; they hope to be enabled to provide, before the occupation of the new Houses, such works as may form the basis of an historical and constitutional collection.

II. INDEXES TO REPORTS OF COMMISSIONERS.

The Indexes to the arranged sets of Reports from Committees of the House of Commons were completed in 1843, and now form a series of 171 volumes, classified according to their respective subjects, from 1800 to 1837. Your Committee, in the last Session, resolved that a similar arrangement of the Reports of Commissioners should be undertaken: and considerable progress has already been made in the work; some portion being, indeed, in the hands of the printer.

III. GENERAL INDEX TO SESSIONAL PAPERS, 1832–1844.

In 1844 Your Committee resolved that a General Index to the Sessional Papers should be continued to that period; and that the last General Index, from 1832–1838, should be incorporated with that for the succeeding period. This work is now complete; and has been presented to The House, and ordered to be printed, in one volume.

IV. GENERAL JOURNAL INDEXES.

Your Committee have had their attention directed by Mr. Speaker to the series of General Indexes to the Journals of The House. The House are already in possession of an uniform series of such Indexes from the accession of George I. until the present time: and satisfactory arrangements have been made, founded upon the recommendations of former Committees, to secure uniformity of system in the compilation of all future Indexes. The plan of all the later Indexes, based upon that of Moore (1714–1774), was settled in 1818; and has since been found well calculated to serve the various purposes

for which an Index to the Journals is required. While it affords a ready reference to every distinct entry in the Journals, whatever may be the nature of its subject-matter, it collects and arranges the various forms of proceeding in such a manner as to bring under notice, in the most convenient shape, such precedents as may be required to guide The House in the conduct of its proceedings. It thereby combines the twofold purposes of an Index for reference to facts, and an analytical digest of precedents. This plan is thus complete in itself; and having been for many years in daily use, it has become familiar to all those who are accustomed to search the Journals.

The three last Indexes, which include the period from 1774 to 1837, are precisely uniform; and Moore's Index from 1714 to 1774, which was adopted as their basis,* is sufficiently uniform with them in principle (though not always in the detailed arrangement of the headings) to make it a valuable number of the series of Indexes to which it belongs, more especially as it extends over a period of 60 years. The Committee, therefore, cannot omit to express their satisfaction with the means of reference at present existing to all the proceedings of The House since the accession of the reigning Family to the Throne.

But with regard to the preceding period, from the commencement of the Journals in 1547 until 1714, there appears to be a considerable deficiency in the means of reference. To the Journals of this period there are three general Indexes. The first refers to seven volumes; the second, to four volumes only; and the third, to six volumes. The necessity of consulting three separate Indexes for references to 17 volumes, is an inconvenience which has been avoided in all succeeding Indexes; each of which refers, upon an average, to a greater number of volumes than are here embraced by three.

This inconvenience, indeed, would be of less importance if the three Indexes had been in themselves complete and compiled upon one uniform plan. But as each varies in some measure from the other two, and as the first is constructed upon a principle entirely at variance with that adopted in the others, the difficulty of consulting them in connexion becomes very great.

Cunningham's Index, vol. 1 to 7; 1547–1659.

The first Index places in alphabet all the subject-matters throughout the work. The larger headings are in numbered paragraphs, not arranged in any method, according to the analogy of particular entries to others of a similar kind, but solely with reference to their chronology. Thus Accounts ordered, Bills passed, Committees appointed, and all other proceedings referable to the main heading, follow each other, not according to their respective character, but merely in chronological sequence.

See the head Army, for example.

The difficulty of consultation is considerable, when a heading is long, and not distributed into convenient subdivisions; and in searching for precedents to guide the practice of The House, a chronological arrangement offers no assistance. To obviate the latter objection, there is attached to the volume a "DIGEST," in which 26 of the principal headings are analyzed. Each of these is arranged into several subdivisions, in which analogous proceedings of The House are classed together. But this Digest, incomplete in itself, is constructed upon a defective principle; since, instead of fully stating the nature of each proceeding, and referring directly to the volume and page of the Journals, it consists entirely of cross-references to the several numbered paragraphs of the large headings contained in the body of the work, many of which are of great length, and comprise proceedings of every description, as well as that particularly referred to by the Digest. It is not, in fact, a Digest of the Journals, so much as an analytical table of reference to the Journal Index, rendered necessary by the defective construction of that work itself,† which yet it fails to remedy.

Flaxman's Index, vols. 8–11; 1660–1696.

The second Index is free from these great defects, and is compiled upon principles generally similar to those upon which the later Indexes have been constructed, but varying from the arrangement and form adopted in them. It

* See Preface to Burney's Index, 1801–1820

† In the preface to Burney's Index, 1801–1820, it is truly observed that "every separate alphabet is objectionable, as being useless to the inquirer who is unaware of its existence."

It often happens, for example, that matters which, in the later Indexes, have been collected under one title, have been placed, in this, under some other title altogether distinct, or under more titles than one. Again, the different classes of Private Bills are distributed alphabetically under the names of the persons or places to which they relate, instead of being classed under "Divorce," "Drainage," "Estate," "Inclosure," &c. And in numerous other instances the arrangement is very different from that of the later and more perfect series of Indexes.

See Offences, and Privilege, instead of Complaints; House.

The third is constructed upon the same principles as the second; but as it was executed by different hands, the arrangement of its headings is very often dissimilar.

Forster's Index, vols. 12 to 17; 1697–1713.

It is much to be regretted, that when these Indexes were undertaken, arrangements were not made to secure uniformity; but different portions of the Journals were assigned to the several compilers, who were independent of each other, and were not placed under one superintendence. Under these circumstances, Mr. Forster, the compiler of the third Index, in his preface to that work, very naturally laments the shortness of the period assigned to him; and expresses his wish that an Index embracing a much larger period "had been executed by the same hand, and made to form one entire and separate work."*

Having examined each of these Indexes, and having compared them one with another, Your Committee—having in view at once the convenience of The House, and the vast importance of the Journals in legal and historical research, —recommend, that the contents of the three separate works be consolidated into one volume, arranged upon the same plan as the later Indexes, already noticed.

This General Index would comprise a period of 166 years, viz. from 1547 to 1713, from the commencement of the Journals, in the reign of Edward 6, until the accession of George 1, and would complete a series of uniform Indexes, from the earliest volume of the Journals until the last.

Your Committee are persuaded of the practicability of compressing into a single volume the matter contained in the three former Indexes. They find that Mr. Dunn's two Indexes (1774–1800) consisting of 2,164 pages, were compressed, under the superintendence of the late Mr. Rickman, into one volume of 867 pages.† The three Indexes now proposed to be consolidated contain 2,563 pages. The first of these contains 1,100 pages, and is closely printed; but the second and third are printed in a form by which much space is unnecessarily occupied. The improved arrangement of the proposed Index will render many cross-references indispensable; and the increased number of sections and subdivisions in the great black-letter headings will also tend to enlarge the work; but if it be printed in double columns, and in a type similar to that of the last General Index (1820–1837), the Committee entertain no doubt that the whole may be included in about 1,100 or 1,200 pages, or very little more than the bulk of one of the Indexes now proposed to be consolidated.

The labour of this compilation will be considerable, and will require the superintendence of experienced persons, familiar with the business of The House, and who have already been engaged in the preparation of similar works.

It will be necessary to transpose all the entries in each of the three Indexes, so as to make them conform to the arrangement adopted in the more recent General Indexes. But in addition to this operation, the forms of entry vary so much, according to the principle applied to the arrangement of each heading, that constant references to the Journals will be required, in order to make the entries consistent, or indeed intelligible. It is also anticipated, that to render the Digest complete, upon the approved plan of the modern Indexes, it will be necessary to compile it directly from the Journals, instead of relying upon

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* Preface, p. iv.; and see there the accidents by which the first 17 volumes were distributed amongst different compilers.

† See preface to Dunn's Index.

upon the Indexes. The 17 volumes of Journals contain 13,072 pages; and as they refer to the transactions of 166 years, the changes which successively arose in the forms of proceeding will add to the difficulty of arranging in a lucid and consistent order, the large mass of precedents which will be collected.

Your Committee, having inquired into the arrangements under which former General Indexes to the Journals have been compiled, find that the plan invariably adopted since the year 1800 has been to entrust the work to competent persons, who received a fixed payment per volume, of which a part was advanced during the progress of the work, for defraying the current expenses of the establishment, and the balance on the production of the printed Index.

Report on General Index to the Journals, 1818 (396).

Report of Library Committee, 1836 (63).

This arrangement was made with Mr. Rickman, who received 600*l.* per volume for the Index (1800–1820): and with Mr. Vardon, the Librarian of The House, to whom the sum of 300*l.* per volume was assigned for the subsequent compilation (1820–1837). The volumes, to which it is now proposed to form a General Index, contain, as already stated, 13,072 pages, or an average of 768 pages in each volume. The volumes, to which a General Index was formed by the Librarian (1820 to 1837), contain 10,653 pages, the average number in each volume being 560 pages. It may be presumed, therefore, that the amount of labour necessary to complete the proposed Index, and prepare it for the press, will much exceed that expended upon the last General Index. It appears, however, that the Indexes now proposed to be consolidated and re-arranged will be of considerable use to the compilers of the volume; and on this account the Committee are of opinion that a payment of the same amount per volume as that sanctioned for the last General Index (1820–1837) would be sufficient to pay all the expenses of the work, exclusive of paper and printing.

They therefore propose that a sum of 300*l.* per volume should be placed at the disposal of Mr. Speaker, to be advanced, from time to time during the progress and on the completion of the work, to Mr. Vardon, the Librarian of The House, as remuneration to himself and Mr. May, the Assistant Librarian, for their joint superintendence and labour, and for defraying all the expenses incurred by them in the employment of clerks.

By entrusting the work to the same hands as those by whom the last General Index was compiled, and by whom the current Index is in course of gradual preparation, The House may be assured that uniformity of system will be maintained; and Your Committee are confident that the proposed principle of payment will secure that prompt and efficient attention which will be required for the compilation of so extended a work.

V. ACTS OF PARLIAMENT.

Your Committee having had again under their consideration the unanimous recommendation of the Library Committee of the year 1841 relative to the publication of a new edition of the Statutes, the grounds of which recommendation were fully stated in that Report, desire to repeat the expression of their conviction, that such a work would be highly valuable to the lawyer, the statesman, and to the general members of the House,—there not being in existence any one edition of the Statutes which, even as to Public Acts, contains the entire series; repealed Acts, which are often very essential to the interpretation of existing Acts, being continually omitted in the trade-editions of the Statutes. Your Committee accordingly close this Report by renewing on their own part the recommendation formally addressed to The House four years ago, and trust that it will receive the early attention of Her Majesty's Ministers, who alone can give effect to it, and who will thereby facilitate to both Houses the enlightened discharge of their legislative functions, and will supply a deficiency,—perhaps discreditable to the empire,—that those who are intrusted with the making of its laws, or with their administration, cannot obtain by any cost or labour a complete collection of the Acts of England, Scotland, Ireland, and the United Kingdom.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 25° *die Julii*, 1845.

PRESENT.

Mr. Speaker.	Mr. Williams Wynn.
Sir R. H. Inglis.	Mr. Gladstone.
Mr. Chancellor of the Exchequer.	Mr. Acland.

Report read, and agreed to.

APPENDIX.

EXTRACT from the last Will and Testament of *Edward Phillips*, formerly of Hammond Place, in the Parish of St. James-the-Apostle in Dovor, in the County of Kent, and late of No. 50, Connaught-terrace, in the Parish of Paddington, in the County of Middlesex, Esq. M. A., deceased, dated 28 October 1840.

The said testator gave, devised, and bequeathed unto William Wood, the elder, of No. 39, Tavistock-street, in the parish of St. Paul Covent-garden and county of Middlesex, F.R.S. and F.L.S., William Hodgkin, of No. 7, John-street, Pentonville, and of the Private Bill Office, House of Commons, and Henry Smith, of No. 8, Marlborough-place, Kennington, in the parish of Lambeth, in the county of Surrey, and to their heirs, executors, administrators, and assigns, all his real and personal estates (except as is therein excepted) upon trust to sell the same within twelve months after the decease of Mary Ogden, of No. 50, Connaught-terrace aforesaid, and out of the proceeds thereof the said testator gave and bequeathed " to the Speaker for the time being of the House of Commons the sum of 300*l.* sterling, upon trust to be laid out in books to be placed in the library of the said House of Commons for the use of the Members thereof."

EXTRACT from a Codicil to the said Will, dated 21 November 1842.

The said testator, after devising and bequeathing his residuary estate as therein mentioned, made the following bequest thereout; viz. " I give and bequeath to the Right Honourable the Speaker for the time being of the House of Commons an additional sum of 100*l.* sterling, in trust to be laid out in the further purchase of books, to be applied in the same way and manner as is directed with respect to the sum of 300*l.* bequeathed by my said will, in trust to the said Speaker."

REPORT

FROM THE

STANDING COMMITTEE

ON THE

LIBRARY OF THE HOUSE;

TOGETHER WITH

AN APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
4 *August* 1845.

610. *Under* 1 oz.

HOUSE OF COMMONS.

Veneris, 4° die Februarii, 1842.

Resolved,

THAT this House will not receive any PETITION for PRIVATE BILLS after *Friday* the 25th day of this instant *February*.

Resolved,

THAT no PRIVATE BILL be read the First Time after *Wednesday* the 23d day of *March* next.

Resolved,

THAT this House will not receive any REPORT of such PRIVATE BILL after *Friday* the 27th day of *May* next.

Ordered,

THAT the said RESOLUTIONS be Printed.

J. H. LEY,

Cl. Dom. Com.

VOTES AND PARLIAMENTARY PAPERS.

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Ordered, by The House of Commons, *to be Printed,*
4 *February* 1842.

SESS. 1842.

LISTS FOR COMMITTEES

ON

PRIVATE BILLS.

LIST OF COUNTIES.

ENGLAND:		ENGLAND—*cont^d.*		ENGLAND—*cont^d.*		WALES:	
Bedford - -	p. 2	Huntingdon - -	4	Salop - - -	7	Wales, North -	10
Berks - - -	2	Kent - - -	5	Somerset - -	7	——— South -	10
Bucks - - -	2	Lancaster, North -	5	Stafford, North -	7		
Cambridge - -	2	——— South -	5	——— South -	7	SCOTLAND:	
Chester - -	2	Leicester - -	5	Suffolk - -	7	Scotland, North -	11
Cornwall - -	2	Lincoln - -	5	Surrey - - -	8	——— Centre -	11
Cumberland -	3	Middlesex - -	5	Sussex - - -	8	——— South-east	11
Derby - -	3	Monmouth - -	6	Warwick - -	8	——— South-west	11
Devon - -	3	Norfolk - -	6	Westmorland -	8		
Dorset - -	3	Northampton, North - -	6	Wilts, North -	8	IRELAND:	
Durham - -	3	——— South	6	—— South	8	Connaught	12
Essex - - -	3	Northumberland -	6	Worcester - -	9	Leinster - -	12
Gloucester - -	4	Nottingham -	6	York, East Riding -	9	Munster - -	12
Hants, and the Isle of Wight - -	4	Oxford - -	6	—— North Riding	9	Ulster - - -	12
Hereford - -	4	Rutland - -	7	—— West Riding -	9		
Herts - - -	4						

Ordered, by The House of Commons, *to be Printed,*
23 *February* 1842.

BEDFORD.

THE MEMBERS FOR

The County of
- Bedford
- Bucks
- Herts
- Northampton, North
- Cambridge
- Huntingdon

And for
- Bedford
- Huntingdon, Town

BERKS.

THE MEMBERS FOR

The County of
- Berks
- Hants, North
- Oxford
- Surrey, West
- Wilts, North

And for
- Oxford, City
- Reading
- Windsor
- Wallingford
- Abingdon

BUCKS.

THE MEMBERS FOR

The County of
- Bucks
- Bedford
- Herts
- Oxford

And for
- Buckingham
- Great Marlow
- Chipping Wycombe
- Aylesbury
- Windsor

CAMBRIDGE.

THE MEMBERS FOR

The County of
- Cambridge
- Essex, North
- Lincoln (Kesteven and Holland)
- Norfolk, West
- Suffolk, West
- Huntingdon

And for
- Cambridge University
- Cambridge Town
- Bury St. Edmund's

CHESTER.

THE MEMBERS FOR

The County of
- Chester, North
- Chester, South
- Derby, North
- Lancaster, South
- Stafford, North

And for
- Stockport
- Macclesfield
- Ashton-under-Lyne
- Warrington
- Chester, City
- Liverpool
- Manchester
- Salford

CORNWALL.

THE MEMBERS FOR

The County of
- Cornwall, East
- Cornwall, West
- Devon, North
- Devon, South

And for
- Bodmin
- Liskeard
- Launceston
- Devonport
- Plymouth
- Truro
- Penryn and Falmouth
- Helstone
- St. Ives

CUMBERLAND.

THE MEMBERS FOR

The County of
- Cumberland, East
- Cumberland, West
- Westmorland
- Durham, South
- Northumberland, South
- Lancaster, North
- Dumfries

And for
- Carlisle
- Whitehaven
- Cockermouth

DERBY.

THE MEMBERS FOR

The County of
- Derby, North
- Derby, South
- Nottingham, North
- York, West Riding
- Chester, North
- Leicester, North
- Stafford, North

And for
- Derby, Town
- Sheffield
- Stoke-upon-Trent

DEVON.

THE MEMBERS FOR

The County of
- Devon, North
- Devon, South
- Somerset, West
- Cornwall, East

And for
- Barnstaple
- Tiverton
- Exeter
- Honiton
- Ashburton
- Totnes
- Dartmouth
- Plymouth
- Devonport
- Tavistock

DORSET.

THE MEMBERS FOR

The County of
- Dorset
- Devon, South
- Hants, South
- Somerset, West
- Wilts, South

And for
- Bridport
- Dorchester
- Weymouth, and Melcombe Regis
- Wareham
- Lyme Regis
- Poole
- Shaftesbury

DURHAM.

THE MEMBERS FOR

The County of
- Durham, North
- Durham, South
- Northumberland, South
- York, North Riding
- Cumberland, East

And for
- Durham, City
- Sunderland
- South Shields
- Gateshead
- Newcastle
- Tynemouth
- Whitby

ESSEX.

THE MEMBERS FOR

The County of
- Essex, North
- Essex, South
- Suffolk, East
- Suffolk, West
- Cambridge
- Herts

And for
- Colchester
- Harwich
- Maldon

GLOUCESTER.

THE MEMBERS FOR

The County of
- Gloucester, East
- Gloucester, West
- Wilts, North
- Oxford
- Worcester, West
- Monmouth
- Somerset, East

And for
- Gloucester, City
- Cirencester
- Stroud
- Cheltenham
- Tewkesbury
- Bristo

HANTS, AND THE ISLE OF WIGHT.

THE MEMBERS FOR

The County of
- Hants, North
- Hants, South
- Wilts, South
- Dorset
- The Isle of Wight

And for
- Winchester
- Petersfield
- Andover
- Southampton
- Lymington
- Christchurch
- Newport
- Portsmouth

HEREFORD.

THE MEMBERS FOR

The County of
- Hereford
- Gloucester, East
- Salop, South
- Worcester, West
- Brecon
- Monmouth
- Radnor

And for
- Hereford, City
- Leominster
- Ludlow
- Radnor

HERTS.

THE MEMBERS FOR

The County of
- Herts
- Bedford
- Bucks
- Cambridge
- Essex, South
- Middlesex

And for
- Hertford, Town
- St. Alban's

HUNTINGDON.

THE MEMBERS FOR

The County of
- Huntingdon
- Cambridge
- Bedford
- Northampton, North
- Lincoln, South

And for
- Huntingdon, Town
- Peterborough
- Cambridge, Town

KENT.

THE MEMBERS FOR

The County of
- Kent, East
- Kent, West
- Sussex, East
- Middlesex
- Surrey, East

And for
- Canterbury
- Sandwich
- Dover
- Hythe
- Maidstone
- Rochester
- Chatham
- Greenwich

LANCASTER, NORTH.

THE MEMBERS FOR

The County of
- Lancaster, North
- Lancaster, South
- York, West Riding
- Westmorland
- Cumberland, West

And for
- Lancaster, Town
- Preston
- Blackburn
- Clitheroe
- Wigan
- Kendal

LANCASTER, SOUTH.

THE MEMBERS FOR

The County of
- Lancaster, South
- Lancaster, North
- Chester, North
- Chester, South
- York, West Riding

And for
- Manchester
- Salford
- Ashton-under-Lyne
- Oldham
- Bolton-le-Moors
- Bury
- Rochdale
- Wigan
- Liverpool
- Warrington

LEICESTER.

THE MEMBERS FOR

The County of
- Leicester, North
- Leicester, South
- Rutland
- Lincoln (Kesteven and Holland)
- Nottingham, South
- Derby, South
- Northampton, North
- Northampton, South
- Warwick, North

And for
- Leicester, Town
- Coventry

LINCOLN.

THE MEMBERS FOR

The County of
- Lincoln (Lindsey)
- Lincoln (Kesteven and Holland)
- York, East Riding
- York, West Riding
- Nottingham, North
- Nottingham, South
- Cambridge

And for
- Lincoln, City
- Great Grimsby
- Boston
- Grantham
- Stamford

MIDDLESEX.

THE MEMBERS FOR

The County of
- Middlesex
- Essex, South
- Surrey, East
- Surrey, West
- Hertford

And for
- London
- Westminster
- Finsbury
- Mary-le-bone
- The Tower Hamlets
- Southwark
- Lambeth

MONMOUTH.

THE MEMBERS FOR

The County of
- Monmouth
- Brecon
- Glamorgan
- Gloucester, West
- Gloucester, East
- Hereford

And for
- Monmouth, Town
- Merthyr, Tydvil
- Cardiff
- Brecon, Town
- Bristol

NORFOLK.

THE MEMBERS FOR

The County of
- Norfolk, West
- Norfolk, East
- Suffolk, East
- Suffolk, West
- Cambridge
- Lincoln (Kesteven and Holland)

And for
- Norwich
- Great Yarmouth
- King's Lynn
- Thetford

NORTHAMPTON, NORTH.

THE MEMBERS FOR

The County of
- Northampton, North
- Northampton, South
- Leicester, South
- Bedford
- Lincoln (Kesteven and Holland)
- Rutland
- Huntingdon

And for
- Peterborough
- Stamford

NORTHAMPTON, SOUTH.

THE MEMBERS FOR

The County of
- Northampton, South
- Northampton, North
- Leicester, South
- Warwick, South
- Oxford
- Bucks

And for
- Northampton, Town
- Banbury

NORTHUMBERLAND.

THE MEMBERS FOR

The County of
- Northumberland, North
- Northumberland, South
- Berwick
- Roxburgh
- Cumberland, East
- Durham

And for
- Morpeth
- Berwick-upon-Tweed
- Newcastle
- Tynemouth
- Gateshead
- South Shields
- Sunderland

NOTTINGHAM.

THE MEMBERS FOR

The County of
- Nottingham, North
- Nottingham, South
- Lincoln (Lindsey)
- York, West Riding
- Derby, North
- Derby, South
- Lincoln (Kesteven and Holland)
- Leicester, North

And for
- East Retford
- Nottingham, Town
- Newark

OXFORD.

THE MEMBERS FOR

The County of
- Oxford
- Berks
- Bucks
- Gloucester, East
- Northampton, South
- Warwick, South

And for
- Oxford, University
- Oxford, City
- Woodstock
- Banbury

RUTLAND.

THE MEMBERS FOR

The County of
- Rutland
- Leicester, North
- Lincoln (Kesteven and Holland)
- Northampton, North
- Leicester, South

And for
- Stamford
- Leicester
- Peterborough
- Grantham

SALOP.

THE MEMBERS FOR

The County of
- Salop, North
- Salop, South
- Stafford, North
- Stafford, South
- Chester, South
- Worcester, West
- Montgomery
- Hereford

And for
- Shrewsbury
- Bridgnorth
- Wenlock
- Ludlow

SOMERSET.

THE MEMBERS FOR

The County of
- Somerset, East
- Somerset, West
- Dorset
- Wilts, North
- Wilts, South
- Gloucester, West
- Devon, North

And for
- Bristol
- Bath
- Wells
- Frome
- Taunton
- Bridgwater

STAFFORD, NORTH.

THE MEMBERS FOR

The County of
- Stafford, North
- Stafford, South
- Derby, North
- Derby, South
- Chester, South
- Salop, North

And for
- Stafford, Town
- Stoke-upon-Trent
- Newcastle-under-Lyme
- Macclesfield
- Derby, Town

STAFFORD, SOUTH.

THE MEMBERS FOR

The County of
- Stafford, South
- Stafford, North
- Warwick, North
- Salop, North
- Salop, South
- Worcester, East

And for
- Tamworth
- Wolverhampton
- Walsall
- Lichfield
- Stafford, Town
- Dudley
- Birmingham

SUFFOLK.

THE MEMBERS FOR

The County of
- Suffolk, East
- Suffolk, West
- Norfolk, East
- Norfolk, West
- Essex, North
- Cambridge

And for
- Ipswich
- Eye
- Bury St. Edmund's
- Sudbury

SURREY.

THE MEMBERS FOR

The County of
- Surrey, East
- Surrey, West
- Sussex, East
- Sussex, West
- Kent, West
- Middlesex
- Berks
- Hants, North

And for
- Reigate
- Southwark
- Lambeth
- Guildford
- Midhurst

SUSSEX.

THE MEMBERS FOR

The County of
- Sussex, East
- Sussex, West
- Kent, West
- Surrey, West
- Hants, North
- Hants, South

And for
- Lewes
- Brighthelmstone
- Hastings
- Rye
- New Shoreham
- Horsham
- Midhurst
- Arundel
- Chichester

WARWICK.

THE MEMBERS FOR

The County of
- Warwick, North
- Warwick, South
- Leicester, South
- Stafford, South
- Worcester, East
- Oxford
- Northampton, North
- Gloucester, East

And for
- Birmingham
- Coventry
- Warwick, Town

WESTMORLAND.

THE MEMBERS FOR

The County of
- Westmorland
- Cumberland, East
- Durham, South
- Lancaster, North
- York, North Riding
- York, West Riding

And for
- Kendal
- Lancaster
- Cockermouth

WILTS, NORTH.

THE MEMBERS FOR

The County of
- Wilts, North
- Wilts, South
- Berks
- Gloucester, East
- Somerset, East

And for
- Chippenham
- Devizes
- Calne
- Marlborough
- Cricklade
- Malmesbury

WILTS, SOUTH.

THE MEMBERS FOR

The County of
- Wilts, South
- Wilts, North
- Dorset
- Somerset, East
- Berks
- North Hants
- South Hants

And for
- Westbury
- Wilton
- Salisbury

WORCESTER.

THE MEMBERS FOR

The County of
- Worcester, East
- Worcester, West
- Gloucester, East
- Warwick, South
- Stafford, South
- Salop, South
- Hereford

And for
- Droitwich
- Evesham
- Dudley
- Worcester, City
- Kidderminster
- Bewdley

YORK, EAST RIDING.

THE MEMBERS FOR

The County of
- York, East Riding
- York, North Riding
- York, West Riding
- Lincoln (Lindsey)

And for
- Hull
- Beverley
- York, City
- Malton
- Scarborough
- Grimsby

YORK, NORTH RIDING.

THE MEMBERS FOR

The County of
- York, North Riding
- York, East Riding
- York, West Riding
- Durham, South
- Westmorland
- Lancaster, North

And for
- Scarborough
- Malton
- York, City
- Whitby
- Thirsk
- Northallerton
- Richmond

YORK, WEST RIDING.

THE MEMBERS FOR

The County of
- York, West Riding
- York, North Riding
- York, East Riding

And for
- Sheffield
- Huddersfield
- Halifax
- Wakefield
- Pontefract
- Leeds
- Bradford
- Knaresborough
- Ripon
- York, City

WALES.

WALES, NORTH.

THE MEMBERS FOR

The County of
- Anglesea
- Carnarvon
- Denbigh
- Flint
- Merioneth
- Montgomery
- Cardigan
- Chester, South
- Radnor
- Salop, North
- Salop, South

And for
- Beaumaris
- Carnarvon, Town
- Denbigh, Town
- Flint, Town
- Montgomery, Town
- Chester, City

WALES, SOUTH.

THE MEMBERS FOR

The County of
- Cardigan
- Glamorgan
- Brecknock
- Carmarthen
- Pembroke
- Radnor
- Merioneth
- Montgomery
- Monmouth
- Hereford
- Salop, South

*And for
- Cardigan, Town
- Cardiff
- Swansea
- Merthyr Tydvil
- Brecon, Town
- Carmarthen, Town
- Haverfordwest
- Pembroke, Town
- New Radnor

SCOTLAND.

NORTHERN LIST.

THE MEMBERS FOR

Orkney & Shetland
Caithness
Sutherland
Ross and Cromarty
Inverness
Elgin and Nairn
Banff
Aberdeen
Argyle
Wick, &c.
Inverness, &c.
Elgin, &c.
Aberdeen, City

Kincardine, County

CENTRE LIST.

THE MEMBERS FOR

Kincardine
Forfar
Perth
Fife
Kinross and Clackmannan
Stirling
Dumbarton
Montrose, &c.
Dundee
Perth, City
St. Andrew's, &c.
Kirkaldy, &c.
Stirling, &c.

Falkirk, &c.

SOUTH-EASTERN LIST.

THE MEMBERS FOR

Linlithgow
Edinburgh
Haddington
Berwick
Peebles
Selkirk
Roxburgh
Dumfries
Edinburgh, City
Leith, &c.
Haddington, &c.
Dumfries, &c.

Berwick-upon-Tweed

SOUTH-WESTERN LIST.

THE MEMBERS FOR

Bute
Renfrew
Lanark
Ayr
Kirkcudbright
Wigton
Glasgow, City
Paisley
Greenock, &c.
Falkirk, &c.
Kilmarnock, &c.
Ayr, &c.
Wigton, &c.

Argyle, County
Dumbarton, County

IRELAND.

CONNAUGHT.

THE MEMBERS FOR

The County of
- Leitrim
- Sligo
- Mayo
- Roscommon
- Galway

And for
- Sligo, Town
- Galway, Town

LEINSTER.

THE MEMBERS FOR

The County of
- Louth
- Longford
- Meath
- Dublin
- King's County
- Kildare
- Queen's County
- Wicklow
- Carlow
- Kilkenny
- Wexford
- Westmeath

And for
- Drogheda
- Dundalk
- Dublin, City
- Dublin, University
- Portarlington
- Carlow, Town
- Kilkenny, Town
- New Ross
- Wexford, Town
- Athlone

MUNSTER.

THE MEMBERS FOR

The County of
- Clare
- Tipperary
- Limerick
- Kerry
- Cork
- Waterford

And for
- Ennis
- Cashel
- Clonmel
- Limerick, City
- Cork, City
- Tralee
- Bandon Bridge
- Kinsale
- Mallow
- Youghal
- Dungarvon
- Waterford, City

ULSTER.

THE MEMBERS FOR

The County of
- Donegal
- Londonderry
- Antrim
- Tyrone
- Down
- Fermanagh
- Armagh
- Monaghan
- Cavan

And for
- Londonderry
- Coleraine
- Belfast
- Carrickfergus
- Lisburn
- Dungannon
- Downpatrick
- Newry
- Enniskillen
- Armagh, City
- Drogheda

REPORT from SELECT COMMITTEE appointed to search the JOURNALS for PRECEDENTS.

Ordered, by The House of Commons, *to be Printed*, 1 *July* 1842.

THE SELECT COMMITTEE appointed to search the JOURNALS for PRECEDENTS in respect of any MEMBER of the HOUSE being compelled, by an Order of the House, to give Evidence before the House, or any Committee of the House; —— HAVE searched the Journals accordingly, and have agreed to the following REPORT:

YOUR Committee do not find any instance in which any Member of the House has refused to attend and be examined before any Committee appointed by the House.

They have, however, found the following cases, which they have to report as bearing upon the question under the consideration of the House.

1st.—Cases of the voluntary attendance of Members upon the necessity of their attendance being reported to the House by a Committee; viz.—

In the case of the Select Committee on East India Judicature, with regard to which they find the following entry:—

"*Martis*, 5° *die Martii*, 1782.—Mr. Richard Smith also acquainted the House, That he was directed by the said Select Committee to inform the House, that the Committee, in the course of their inquiry, find themselves under a necessity to examine Richard Barwell, Esquire, a Member of this House. Journals: Vol. 38, p. 871.

"And the said Member, in his place, informed the House, That he was willing, at any time, to attend the said Committee, and to be examined."

In the case of the Committee of Secresy on the Earl of Orford's conduct in 1742, in which—

"*Jovis*, 29° *die Aprilis*, 1742.—The Lord Limerick, from the Committee of Secresy, acquainted the House, That he was directed by the Committee to inform the House, that the Committee, in the course of their inquiry, find themselves under a necessity to examine, in the most solemn manner, several Members of this House; viz. Charles Hanbury Williams, Peter Burrel and John Bristow, Esquires. Vol. 24, p. 190.

"And the said Members standing up in their places, severally informed the House, that they were willing at any time to attend the Committee, and to be examined in the most solemn manner."

Your Committee also find similar entries in the case of Thomas Lewis, Vol. 24, p. 213; of General Wade, Vol. 24, p. 247; of Sir Charles Wager, Vol. 24, p. 248 and 249; of Benjamin Keene, Vol. 24, p. 268; of John Scrope, Vol. 24, p. 271; and, of Arthur Stert, Vol. 24, p. 273.

2d.—Cases of Members being ordered to attend Committees of the whole House, or Select Committees, for the purpose of being examined, and one instance of its being ordered that a Member be taken in custody, in order to his forthcoming, to abide the Orders of the House, in order to his being examined before a Select Committee of the House, as often as the said Committee shall think fit to require the same.

With respect to Members being ordered to attend Committees of the whole House, Your Committee find the following entries:

In Vol. 24, p. 800, the following Order relative to the attendance of Admiral Mathews:—

Journals: Vol. 24, p. 800.

"*Veneris*, 8° *die Martii*, 1744.—*Ordered*, That Admiral Mathews, a Member of this House, do, upon Tuesday next, give to the Committee of the whole House, to whom it is referred to inquire into the miscarriage of his Majesty's fleet last year, near Toulon, in the Mediterranean, against the combined fleets of France and Spain, a particular account of the late engagement near Toulon, and of the conduct and behaviour of the Commanding Officers and Captains of the several ships during the said Engagement, as far as the same came under his observation, or hath come to his knowledge by any complaint made thereupon."

And in the case of the Committee of the whole House on the conduct of His Royal Highness the Duke of York, Vol. 64, p. 17, the following Order:

Vol. 64, p. 17.

"*Martis*, 31° *die Januarii*, 1809.—*Ordered*, That Robert Myddelton Biddulph, Esquire, do, To-morrow, in his place, attend the said Committee."

And in Vol. 65, p. 21, there appear the following entries, in respect of the Committee of the whole House, on the Expedition to the Scheldt:

Vol. 65, p. 21.

"*Mercurii*, 31° *die Januarii*, 1810.—*Ordered*, That Lieutenant-General Grosvenor and Sir Home Popham do, in their places, attend the said Committee at the same time."

With regard to Members being ordered to attend Select Committees of the House, for the purpose of being examined, Your Committee find the following entry in Vol. 19, p. 403:

Vol. 19, p. 403.

"*Jovis*, 19° *die Januarii*, 1720.—The Master of the Rolls acquainted the House, from the Committee of Secresy, That he was directed by the said Committee to move the House, That Sir Robert Chaplin, Sir Theodore Janssen, Francis Eyles, Esquire, and Jacob Sawbridge, Esquire, four of the Directors of the South Sea Company, and Members of this House, may attend the said Committee; and be examined before them, in the most solemn manner:

"*Ordered*, That Sir Robert Chaplin, Baronet, Sir Theodore Janssen, Knight and Baronet, Francis Eyles, Esquire, and Jacob Sawbridge, Esquire, Members of this House, and Directors of the South Sea Company, do attend the Committee appointed to inquire into all the proceedings relating to the execution of the Act passed the last Session of Parliament, intituled, 'An Act for enabling the South Sea Company to increase their present Capital Stock and Fund, by redeeming such public Debts and Incumbrances as are therein mentioned; and for raising Money, to be applied for lessening several of the public Debts and Incumbrances; and for calling in the present Exchequer Bills remaining uncancelled; and for making forth new Bills, in lieu thereof, to be circulated and exchanged, upon Demand, at or near the Exchequer:' And that the said Committee be empowered to examine the said Sir Robert Chaplin, Sir Theodore Janssen, Francis Eyles, and Jacob Sawbridge, in the most solemn manner."

In Vol. 21, p. 851 and 852, Your Committee find an entry, which, together with an Order for certain Members therein named to attend before a Select Committee of the House for the purpose of giving evidence, includes the case of Sir Archibald Grant, a Member of the House, being committed to the custody of the Serjeant-at-Arms, in order to his forthcoming to abide the Orders of the House, for the purpose of his being examined before a Select Committee. The entry is as follows:

Vol. 21, pp. 851, 852.

"*Veneris*, 17° *die Martii*, 1731.—Mr. Sandys, from the Committee, to whom the petition of the Proprietors of the Charitable Corporation, for relief of industrious poor, by assisting them with small sums upon pledges, at legal interest, assembled in their general Court, is referred, acquainted the House, that he was directed by the Committee to make a Report to the House: which he read in his place, and afterwards delivered in at the Clerk's Table; where the Report was read, and is as follows; *viz.*

"Your Committee, in the course of their examinations, do find, by books lately come into their possession, and upon the examination of several persons in the most solemn manner, that great sums of money, belonging to the said Corporation, have been drawn out by John Thomson, late warehouse-keeper to the said Corporation, and applied to carry on a partnership between Sir Archibald Grant, Baronet, a Member of this House, and William Burroughs Esquire, two of the Committee, and Mr. William Squire, an assistant, intrusted with the management of the affairs of the said Corporation, George Robinson, Esquire, Agent and Banker to the said Corporation, and the said John Thomson; and four of the said persons having absconded, or withdrawn themselves, your Committee think it their duty to lay this affair now before the House, to take their direction thereupon.

"The

" The said Report relating to Sir Archibald Grant, Baronet, a Member of this House; he was heard in his place:

" And being withdrawn;

" *Ordered*, That Sir Archibald Grant, Baronet, a Member of this House, and one of the Committee intrusted with the management of the affairs of the Charitable Corporation for relief of industrious poor, by assisting them with small sums, upon pledges, at legal interest, be taken into the custody of the Serjeant-at-Arms attending this House, in order to his forthcoming to abide the Orders of this House.

" *Ordered*, That Sir Robert Sutton, Knight of the Bath, Sir Archibald Grant, Baronet, Denis Bond, Esquire, and William Aislabie, Esquire, Members of this House, and who, among others, are intrusted with the management of the affairs of the Charitable Corporation for the relief of industrious poor, by assisting them with small sums, upon pledges, at legal interest, do attend the Committee, to whom the petition of the Proprietors of the Charitable Corporation for the relief of industrious poor, by assisting them with small sums, upon pledges, at legal interest, assembled in their general Court, is referred; and that the said Committee be empowered to examine the said Sir Robert Sutton, Sir Archibald Grant, Denis Bond, and William Aislabie, in the most solemn manner.

" *Ordered*, That the Serjeant-at-Arms attending this House do, from time to time, bring Sir Archibald Grant, Baronet, a Member of this House, now in his custody, to attend the said Committee, in order to his being examined, as often as the said Committee shall think fit to require the same."

PROCEEDINGS OF THE COMMITTEE.

Veneris, 1° *die Julii*, 1842.

Mr. Chancellor of the Exchequer.	Mr. Greene.
Sir George Clerk.	Mr. Bernal.
Sir R. H. Inglis.	Mr. Charles Wood.
Sir T. D. Acland.	

Mr. Chancellor of the Exchequer was called to the Chair.

The Order of reference was read.

The Committee proceeded to search the Journals, and agreed to a Report.

MEMBERS.

REPORT from SELECT COMMITTEE appointed to search the JOURNALS for PRECEDENTS.

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1842.

392.

Under 1 *oz.*

SITTINGS OF THE HOUSE.

RETURN to an ORDER of the Honourable The House of Commons, dated 28 July 1842;—*for*,

A RETURN of the Number of DAYS on which The HOUSE OF COMMONS SAT in this Session of Parliament, stating the Total Number of Hours occupied in the Sittings of the House, and the Average Time; and also distinguishing the Number of Nights on which the House sat, and the Number of Hours after Midnight.

Days of Sitting	Hour of Adjournment.	Hours of Sitting.	Hours after Midnight.	Saturdays. —	Saturdays. Hrs.
Feb. - 3	7	5	—		
4	6 ½	2 ½	—		
				5 Feb. -	1
7	7 ¼	3 ¼	—		
8	9	5	—		
9	8	4	—		
10	8 ¾	4 ¾	—		
11	6 ½	2 ½	—		
14	12 ¾	8 ¾	¾		
15	1	9	1		
16	2 ½	10 ½	2 ½		
18	12	8	—		
21	12 ¼	8 ¼	¼		
22	12	8	—		
23	1 ¼	9 ¼	1 ¼		
24	2	10	2		
25	1	9	1		
28	1 ½	9 ½	1 ½		
March 1	1	9	1		
2	8	4	—		
3	9 ½	5 ½	—		
4	1	9	1		
7	12 ¾	8 ¾	¾		
8	1	9	1		
9	2	10	2		
11	12 ¼	8 ¼	¼		
				12 Mar. -	¼
14	12 ¾	8 ¾	¾		
15	1 ¼	9 ¼	1 ¼		
16	12 ¾	8 ¾	¾		
17	1 ½	9 ½	1 ½		
18	12 ½	8 ½	½		
21	1 ½	9 ½	1 ½		
22	1 ¼	9 ¼	1 ¼		
23	2 ½	10 ½	2 ½		
April 4	12	8	—		
5	1 ¼	9 ¼	1 ¼		
6	12 ¼	8 ¼	¼		
7	1 ½	9 ½	1 ½		
8	1 ¾	9 ¾	1 ¾		
11	1 ½	9 ½	1 ½		
12	1	9	1		
13	1 ¾	9 ¾	1 ¾		
14	10 ½	6 ½	—		
15	10 ½	6 ½	—		
18	1	9	1		
19	10 ¾	6 ¾	—		
20	12 ¼	8 ¼	¼		
21	12 ¼	8 ¼	¼		
22	1 ¼	9 ¼	1 ¼		
25	12 ¼	8 ¼	1		
26	12 ¼	8 ¼	¼		
28	1	9	1		
29	2 ½	10 ½	2 ½		
				30 April	3
May - 2	2	10	2		
3	1 ½	9 ½	1 ½		
4	7 ¾	3 ¾	—		
5	1	9	1		
6	12 ¾	8 ¾	¾		
9	12 ½	8 ½	½		
May 10	1 ½	9 ½	1 ½		
11	8	4	—		
13	12 ¾	8 ¾	¾		
20	11 ¼	7 ¼	—		
23	1 ¼	9 ¼	1 ¼		
24	1 ¼	9 ¼	1 ¼		
25	12 ¾	8 ¾	¾		
26	1	9	1		
27	2 ¼	10 ¼	2 ¼		
30	6 ¾	2 ¾	—		
31	12 ½	8 ½	½		
June 1	1 ¾	9 ¾	1 ¾		
3	1 ½	9 ½	1 ½		
6	2	10	2		
7	1 ¼	9 ¼	1 ¼		
8	1 ¼	9 ¼	1 ¼		
10	12 ¾	8 ¾	¾		
13	1	9	1		
14	1 ¾	9 ¾	1 ¾		
15	7 ¾	3 ¾	—		
16	12 ¼	8 ¼	¼		
17	12 ¾	8 ¾	¾		
				18 June -	5
20	12 ¾	8 ¾	¾		
21	1	9	1		
22	12	8	—		
23	2	10	2		
24	2 ¼	10 ¼	2 ¼		
27	1	9	1		
28	1	9	1		
29	8	4	—		
30	1 ¾	9 ¾	1 ¾		
July - 1	1 ½	9 ½	1 ½		
5	10	6	—		
6	2	10	2		
7	3	11	3		
8	2 ¾	10 ¾	2 ¾		
				9 July -	1
11	3	11	3		
12	1 ½	9 ½	1 ½		
13	1 ¾	9 ¾	1 ¾		
14	1 ¾	9 ¾	1 ¾		
15	2 ¾	10 ¾	2 ¾		
				16 July -	5
18	1 ¾	9 ¾	1 ¾		
19	2	10	2		
20	2 ½	10 ½	2 ½		
21	3	11	3		
22	2 ½	10 ½	2 ½		
				23 July -	2 ½
25	1 ½	9 ½	1 ½		
26	1 ½	9 ½	1 ½		
27	2 ½	10 ½	2 ½		
28	1	9	1		
29	1	9	1		
				30 July -	4 ¾
109 & 8 Saturdays.	- -	926	118 ¼ nights 86.		

Average Time of Sitting 8 ½ Hours, exclusive of Saturdays.

Journal-Office, House of Commons, 1 August 1842.

J. Gudge, Clerk of the Journals.

SITTINGS OF THE HOUSE.

A RETURN of the Number of Days on which The House of Commons Sat in this Session of Parliament, stating the Total Number of Hours occupied in the Sittings of the House, and the Average Time; and also distinguishing the Number of Nights on which the House sat, and the Number of Hours after Midnight.

(Mr. Hume.)

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1842.

Under ½ *oz.*

SITTINGS OF THE HOUSE.

RETURN to an Order of the Honourable The House of Commons, dated 10 August 1842;—*for*,

A RETURN of the Number of Days on which The House of Commons sat in this Session of Parliament, stating the Total Number of Hours occupied in the Sittings of The House, and the Average Time; and also distinguishing the Number of Nights on which The House sat, and the Number of Hours after Midnight.

Days of Sitting.		Hour of Adjournment.	Hours of Sitting.	Hours after Midnight.	Saturdays.	
					—	Hrs.
Feb.	3	7	5	—		
	4	6 ½	2 ½	—		
					5 Feb.	1
	7	7 ¼	3 ¼	—		
	8	9	5	—		
	9	8	4	—		
	10	8 ¾	4 ¾	—		
	11	6 ½	2 ½	—		
	14	12 ¾	8 ¾	¾		
	15	1	9	1		
	16	2 ½	10 ½	2 ½		
	18	12	8	—		
	21	12 ¼	8 ¼	¼		
	22	12	8	—		
	23	1 ¼	9 ¼	1 ¼		
	24	2	10	2		
	25	1	9	1		
	28	1 ½	9 ½	1 ½		
March	1	1	9	1		
	2	8	4	—		
	3	9 ½	5 ½	—		
	4	1	9	1		
	7	12 ¾	8 ¾	¾		
	8	1	9	1		
	9	2	10	2		
	11	12 ¼	8 ¼	¼		
					12 Mar.	¼
	14	12 ¾	8 ¾	¾		
	15	1 ¼	9 ¼	1 ¼		
	16	12 ¾	8 ¾	¾		
	17	1 ½	9 ½	1 ½		
	18	12 ½	8 ½	½		
	21	1 ½	9 ½	1 ½		
	22	1 ¼	9 ¼	1 ¼		
	23	2 ½	10 ½	2 ½		
April	4	12	8	—		
	5	1 ¼	9 ¼	1 ¼		
	6	12 ¼	8 ¼	¼		
	7	1 ½	9 ½	1 ½		
	8	1 ¾	9 ¾	1 ¾		
	11	1 ½	9 ½	1 ½		
	12	1	9	1		
	13	1 ¾	9 ¾	1 ¾		
	14	10 ½	6 ½	—		
	15	10 ½	6 ½	—		
	18	1	9	1		
	19	10 ¾	6 ¾	—		
	20	12 ¼	8 ¼	¼		
	21	12 ¼	8 ¼	¼		
	22	1 ¼	9 ¼	1 ¼		
	25	12 ¼	8 ¼	¼		
	26	12 ¼	8 ¼	¼		
	28	1	9	1		
	29	2 ½	10 ½	2 ½		
					30 April	3
May	2	2	10	2		
	3	1 ½	9 ½	1 ½		
	4	7 ¾	3 ¾	—		
	5	1	9	1		
May	6	12 ¾	8 ¾	¾		
	9	12 ½	8 ½	½		
	10	1 ½	9 ½	1 ½		
	11	8	4	—		
	13	12 ¾	8 ¾	¾		
	20	11 ¼	7 ¼	—		
	23	1 ¼	9 ¼	1 ¼		
	24	1 ¼	9 ¼	1 ¼		
	25	12 ¾	8 ¾	¾		
	26	1	9	1		
	27	2 ¼	10 ¼	2 ¼		
	30	6 ¾	2 ¾	—		
	31	12 ½	8 ½	½		
June	1	1 ¾	9 ¾	1 ¾		
	3	1 ½	9 ½	1 ½		
	6	2	10	2		
	7	1 ¼	9 ¼	1 ¼		
	8	1 ¼	9 ¼	1 ¼		
	10	12 ¾	8 ¾	¾		
	13	1	9	1		
	14	1 ¾	9 ¾	1 ¾		
	15	7 ¾	3 ¾	—		
	16	12 ¼	8 ¼	¼		
	17	12 ¾	8 ¾	¾		
					18 June	5
	20	12 ¾	8 ¾	¾		
	21	1	9	1		
	22	12	8	—		
	23	2	10	2		
	24	2 ¼	10 ¼	2 ¼		
	27	1	9	1		
	28	1	9	1		
	29	8	4	—		
	30	1 ¾	9 ¾	1 ¾		
July	1	1 ½	9 ½	1 ½		
	5	10	6	—		
	6	2	10	2		
	7	3	11	3		
	8	2 ¾	10 ¾	2 ¾		
					9 July	1
	11	3	11	3		
	12	1 ½	9 ½	1 ½		
	13	1 ¾	9 ¾	1 ¾		
	14	1 ¾	9 ¾	1 ¾		
	15	2 ¾	10 ¾	2 ¾		
					16 July	5
	18	1 ¾	9 ¾	1 ¾		
	19	2	10	2		
	20	2 ½	10 ½	2 ½		
	21	3	11	3		
	22	2 ½	10 ½	2 ½		
					23 July	2 ½
	25	1 ½	9 ½	1 ½		
	26	1 ½	9 ½	1 ½		
	27	2 ½	10 ½	2 ½		
	28	1	9	1		
	29	1	9	1		
					30 July	4 ¾

(*continued*)

Days of Sitting.	Hour of Adjournment.	Hours of Sitting.	Hours after Midnight.	Saturdays.	
				——	Hours.
August 1	1	9	1		
2	1	9	1		
3	1	9	1		
4	10 ¾	6 ¾	—		
* 5	2 ¼	14 ¼	2 ¼		
				August 6	5 ¼
* 8	1 ½	13 ½	1 ½		
* 9	9 ½	9 ½	—		
* 10	11 ¼	11 ¼	—		
117 and 9 Saturdays.	- - -	1,008 ¼	125 (91 nights.)	- - -	27 ¾

* On these days The House met at 12 o'clock.

From 3 February to 13 May (Whitsuntide), 61 days and 3 Saturdays; hours of sitting, 490; hours after midnight, 50; average time of sitting, 8 hours.

From 20 May to 10 August, 56 days and 6 Saturdays; hours of sitting, 518 ¼; hours after midnight, 75; average time of sitting, 9 ¾ hours.

From 3 February to 10 August, 117 days and 9 Saturdays; hours of sitting, 1,008 ¼; hours after midnight, 125; average time of sitting, 8 hours 36 minutes.

Saturdays are not included in the averages.

Journal Office, House of Commons, 11 August 1842.

J. Gudge, Clerk of the Journals.

SITTINGS OF THE HOUSE.

A RETURN of the Number of DAYS on which The HOUSE OF COMMONS SAT in this Session of Parliament, stating the Total Number of Hours occupied in the Sittings of The House, and the Average Time; and also distinguishing the Number of Nights on which The House sat, and the Number of Hours after Midnight.

(Mr. Brotherton.)

Ordered, by The House of Commons, *to be Printed,* 12 *August* 1842.

588.

Under ½ oz.

HOUSE OF COMMONS.

Veneris, 3° die Februarii, 1843.

Resolved,

THAT this House will not receive any PETITION for PRIVATE BILLS after *Friday* the 24th day of this instant *February*.

Resolved,

THAT no PRIVATE BILL be read the First Time after *Friday* the 24th day of *March* next.

Resolved,

THAT this House will not not receive any REPORT of such PRIVATE BILL after *Friday* the 26th day of *May* next.

Ordered,

THAT the said RESOLUTIONS be Printed.

J. H. LEY,
Cl. Dom. Com.

VOTES AND PARLIAMENTARY PAPERS.

THE VOTES, REPORTS and PAPERS Printed by Order of the House of Commons, may be purchased at the Prices and at the Places following:—One Day's Votes, and any Report or Paper may be had separate, at the rate of One Halfpenny per Sheet of four pages; half-sheets reckoned as whole sheets. Maps and Plans at the rate of 3*d.* per half-sheet; 6*d.* per sheet, and 1*s.* for all larger sizes. For Cash.

The ANNUAL SUBSCRIPTION for the Votes, Lists of Divisions, and Supplements (in which are Reports on Railways) - - - - - - - - - - -	£.1	10	–
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[Note.—*The Votes, or Lists of Divisions, or Supplements, or Appendix, being the Petitions, may be purchased separately upon special application, as also any Report or Paper.*]

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Ordered, by The House of Commons, *to be Printed,*
3 *February* 1843.

DIVISIONS OF THE HOUSE.

ABSTRACT of RETURN to an Order of the Honourable The House of Commons, dated 7 February 1843;—*for*,

STATEMENT of the Number of DIVISIONS in the last SESSION; stating the Subject of the Division, and the Number of Members in Majority and Minority, Tellers included; also, the Aggregate Number in the House on each Division; distinguishing also, the Divisions on PRIVATE BILLS from PUBLIC; and also the Number of Divisions before and after Midnight.

Ordered, by The House of Commons, *to be Printed*, 27 *February* 1843.

SUMMARY OF DIVISIONS.

Number of Divisions on PUBLIC MATTERS before Midnight - - - - -	176
Ditto - - - - - - - - after Midnight - - - - -	42
Ditto - PRIVATE BILLS before Midnight - - - - - -	19
TOTAL Number of Divisions in Session 1842 - - - -	237

DIVISIONS ON PUBLIC MATTERS.

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
68	April - 29	Adjournment,—Motion for Adjournment:—Amendment proposed, That "William Rouse Mabson be discharged from the custody of the Serjeant-at-Arms," instead thereof: — Question put, "That the words proposed to be left out stand part of the Question."	69	16	86	- -	A. M.
69	,, - ,,	——— Question put, "That this House will, at the rising of the House this day, adjourn till Monday next."	41	44	86	- -	A. M.
144	June - 23	Affghanistan,—Motion for Correspondence of Sir Alexander Burnes, &c.:—(*Mr. H. J. Baillie.*)	11	77	89	- -	A. M.
228	August - 5	Armagh Assizes,—Motion for Papers -	26	74	101	B. M.	
229	,, - ,,	Bankruptcy Law Amendment Bill, — (In the Committee):—Thirtieth Clause.	9	87	97	B. M.	
232	,, - 8	——— Forty-ninth Clause - - -	54	18	73	B. M.	
233	,, - ,,	——— Sixty-fourth Clause - - -	61	23	85	B. M.	
234	,, - ,,	——— Seventy-fourth Clause - - -	80	15	96	B. M.	
125	June - 14	Belfast Writ,—Motion for new Writ:—(*Mr. Shaw.*)—Amendment for a "Select Committee to be appointed, to inquire whether a corrupt compromise has been entered into:" — (*Mr. O'Connell.*) — Question put, "That the words proposed to be left out stand part of the Question."	75	172	248	B. M.	
192	July - 20	Bonded Corn (No. 2) Bill,—Second Reading	118	31	150	B. M.	
205	,, - 27	Bribery at Elections (No. 2) Bill,—(In the Committee):—Fifth Clause.	64	17	82	B. M.	
206	,, - ,,	——— Twenty-sixth Clause - -	41	82	124	B. M.	
207	,, - ,,	——— Twenty-seventh Clause - -	30	72	103	B. M.	
96	May - 27	Bridport Borough,—Motion,— "That an inquiry be made into certain corrupt Compromises alleged to have been entered into," &c.	158	39	198	- -	A. M.
105	June - 1	——— On adjourned Debate on Question (27th May), "That such inquiry be referred to the Select Committee appointed to inquire whether such Compromises have been entered into, and whether such Bribery has taken place in the towns of Harwich, Nottingham, Lewes, Penryn and Falmouth, and Reading:"—Question put.	46	18	65	- -	A. M.

(*continued.*)

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
153	June - 28	British Possessions Abroad Bill, — For reading Clause (Exemption on Wheat-flour imported into Canada to be further continued) a second time.	85	162	248	B. M.	
154	„ - „	——— Amendment proposed in pr. 17, l. 16.	107	38	146	- -	A. M.
2	February 10	Business of the House,—"That no opposed Motion be brought on and decided after Twelve o'clock at night, unless One hundred Members be present:"—(*Mr. Brotherton.*)	28	202	231	B. M.	
211	July - 29	Canada Loan, — Resolution reported: — Question, "That the Resolution be now read a second time."	91	11	103	- -	A. M.
22	March - 17	China,—Motion for an Address for compensating Merchants for the Opium surrendered:—(*Mr. Lindsay.*)	39	89	129	B. M.	
19	„ - 15	Church of Scotland,—That a Select Committee be appointed thereon: — (*Mr. Alexander Campbell.*)	64	141	206	- -	A. M.
75	May - 4	Church Patronage (Scotland) Bill,—Second Reading.	50	133	184	B. M.	
129	June - 16	Church Rates,—"That leave be given to bring in a Bill to abolish Church Rates," &c.:—(*Sir John Easthope.*)	82	164	247	B. M.	
204	July - 26	Colonial Passengers Bill,—Third Reading; Amendment proposed.	120	26	147	B. M.	
36	April - 6	Copyright Bill, — (In the Committee.) — Third Clause.	58	70	129	B. M.	
37	„ - „	——— Same Clause - - - -	93	35	129	B. M.	
38	„ - „	——— Same Clause - - - -	24	103	128	B. M.	
39	„ - „	——— Same Clause: "That the Clause, as amended, stand part of the Bill."	98	19	118	B. M.	
40	„ - „	——— Fourth Clause - - -	71	28	100	B. M.	
56	„ - 20	——— Fifteenth Clause - - -	38	13	52	B. M.	
166	July - 7	Corn Importation,—Motion to enable Her Majesty, with the advice of Her Privy Council, to reduce or discontinue the Duties on Foreign Corn until the 1st day of January 1843, or for Six Weeks after the commencement of the next Session of Parliament: —(*Mr. Bannerman.*)	115	177	293	- -	A. M.
5	February 16	——— "That Mr. Speaker do now leave the Chair." — Amendment proposed: "That this House is not prepared to adopt the measure of Her Majesty's Government," &c.:—(*Lord John Russell.*)	351	228	580	- -	A. M.
7	„ - 24	——— (In Committee.)—Wheat: "That all Duties payable upon the importation of Corn, Grain, Meal or Flour do now cease and determine:"—(*Mr. Villiers.*)	92	395	488	B. M.	
8	„ - 25	——— Wheat: "That under 51 *s.*, the Duty shall be for every quarter 1 *l.*"	308	106	415	B. M.	
10	„ - 28	——— Question put, "Whenever the average price of Oats, made up and published in the manner required by law, shall be, for every quarter, 19*s.* and under 20*s.*, the duty shall be, for every quarter, 7*s.*"	258	55	314	B. M.	
11	„ - „	——— Wheat: If the produce of, and imported from, any British Possession in North America, or elsewhere out of Europe. Question put, "That for every quarter of Wheat, the duty shall be 1*s.*"	40	137	178	B. M.	
14	March - 9	Corn Importation Bill,—Second Reading -	286	178	465	- -	A. M.

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Corn Importation Bill—*continued.*					
16	March - 14	——— Order for Committee read: "That Mr. Speaker do now leave the Chair." Amendment proposed, "That a Select Committee be appointed, to inquire whether there are any peculiar burthens specially affecting the Landed Interest of this country," &c.:—(*Mr. Ward.*)	232	117	350	B. M.	
17	„ - „	——— (In the Committee.)—"That the Chairman do report progress, and ask leave to sit again."	91	66	158	B. M.	
33	April - 5	——— Twenty-seventh Clause - -	244	39	284	B. M.	
34	„ - „	——— Twenty-ninth Clause - -	204	71	276	B. M.	
42	„ - 7	——— "That the Bill be now read the third time." Amendment proposed: "That inasmuch as this House has repeatedly declared that it is beyond the power of Parliament to regulate the Wages of Labour in this country, it is inexpedient and unjust to pass a law to regulate, with a view to raise unnaturally, the prices of food:"—(*Mr. Cobden.*)	238	88	327	B. M.	
43	„ - „	——— Question again proposed, "That the Bill be now read the third time:"—Debate arising; Question put, "That the Debate be now adjourned."	70	249	320	B. M.	
44	„ - „	——— Question put, "That the Bill be now read the third time."	231	92	324	B. M.	
208	July - 27	Coroners, &c. (Warwick and Lancaster) Bill,—On Second Reading, "That the Debate be now adjourned."	21	53	75	- -	A. M.
4	February 11	Court of Session (Scotland),—"That an humble Address be presented for a Return of the Number of Jury Cases in the First Division of the Court of Session, from the 1st day of January 1839 till the 31st day of July 1841," &c.—(*Mr. Fox Maule.*)	115	141	257	B. M.	
236	August 9	Coventry Boundary Bill,—Third Reading -	49	5	55	B. M.	
82	May - 10	Customs Acts:—Committee,—"That Mr. Speaker do now leave the Chair:"—Amendment proposed, That "there be laid before this House any additional details which may have been supplied by Mr. Meek, relative to the importation of Agricultural Produce, Salt Provisions," &c.:—(*Major Vivian.*)	221	154	376	- -	A. M.
84	„ - 13	——— "That Mr. Speaker do now leave the Chair:"—Amendment proposed, That "it is not expedient to impose different Rates of Duty upon the same articles when imported from Foreign Countries or from British Possessions, &c.:"—(*Viscount Howick.*)	283	110	394	- -	A. M.
85	„ - 23	——— (In the Committee):—"That in lieu of the present Rates of Duty now payable there shall be raised, levied and paid, the Rates of Duty proposed in the annexed Schedules:"—Amendment proposed,—To add the following words; "All live Stock imported from Foreign Countries, calculated for the purposes of food, being charged by weight:"—Question put, "That the proposed words be there added."	115	382	498	B. M.	
87	„ - 24	——— (In the Committee):—Schedule of Duties, as proposed:—Oxen and Bulls, "Instead of 'one pound,' proposed to fill the blank with 'one shilling:'"—"That the blank be filled with 'one shilling.'"	46	211	258	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Customs Acts — (In the Committee) — *continued.*					
		Schedule of Duties as proposed—*continued.*					
88.	May - 24	——— Swine and Hogs, "That the blank be filled with 'five shillings.'"	123	34	158	B. M.	
89.	„ - „	——— Apples, raw, the bushel, 6 *d.* "That the words 'the bushel' stand part of the Schedule."	112	53	166	B. M.	
90.	„ - 25	——— Butter, the cwt., instead of "one pound," proposed to fill the blank with "ten shillings:"—"That the blank be filled with 'ten shillings.'"	61	117	179	B. M.	
91.	„ - „	——— Cheese, the cwt., 10 *s.*: Instead of "ten shillings," proposed to fill the blank with "seven shillings and sixpence:"—Afterwards proposed to fill the blank with "five shillings:"—"That the blank be filled with 'five shillings.'"	39	84	124	B. M.	
92.	„ - „	——— Copper, Ore of, viz.:—containing not more than ten parts of Copper per ton of metal, 1 *l.* 10 *s*,: "That the blank be filled with 'one pound ten shillings.'"	160	9	170	B. M.	
95.	„ - 27	——— Oil, Train and Blubber, the produce of fish or creatures living in the sea, of foreign fishing, the tun, 6*l.* After "foreign fishing," proposed to insert the words, "from and after July 5, 1843:"—Afterwards proposed to insert, "from and after July 5, 1844," instead thereof:—"That the words 'from and after July 5, 1843,' be there inserted."	110	43	154	B. M.	
111.	June - 6	——— Timber or Wood, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, Ufers, or other Timber or Wood sawed, split, or otherwise dressed, except hewed, and not being Timber or Wood otherwise charged with Duty, the load of 50 cubic feet, 1 *l.* 10*s.*:—Whereupon proposed to fill the blank with "one pound," instead of "one pound ten shillings:"—Afterwards proposed to fill the blank with "one pound fifteen shillings," instead of "one pound ten shillings:"—Question put, "That the blank be filled with 'one pound.'"	18	245	264	B. M.	
112.	„ - 7	——— Boots, Shoes, and Calashes; viz.—Women's Boots and Calashes, the dozen pairs, 12 *s.*:—Afterwards proposed to fill the blank with the words "one pound," instead of the words "twelve shillings:"—Question put, "That the blank be filled with the words 'twelve shillings.'"	150	38	189	B. M.	
113.	„ - „	——— Motion made, and Question put,—"That the Chairman do report progress, and ask leave to sit again."	38	158	197	B. M.	
115.	„ - 8	——— Cotton, Manufactures of, for every 100 *l.* value,—"That the blank be filled with 'five pounds:'"—Whereupon, Motion made, and Question put, "That the blank be filled with 'three pounds ten shillings.'"	44	58	103	B. M.	
116.	„ - „	——— Cotton, or Waste of Cotton Wool, the cwt., 2 *s.* 11 *d.*:—"That the blank be filled with 'two shillings and eleven pence:'"—Whereupon Motion made, and Question put, "That the blank be filled with 'one penny.'"	46	99	146	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Customs Acts — (In the Committee)—*continued.*					
		Schedule of Duties as proposed—*continued.*					
117	June - 8	——— Sheep or Lambs' Wool, not being of the value of one shilling the lb. thereof, ½ *d.* the lb.:—Whereupon Motion made, and Question put, "That the rate of Duty be, the cwt. one shilling."	67	124	192	B. M.	
118	„ - „	——— "That the rate of Duty upon the importation of Sheep or Lambs' Wool, not being of the value of one shilling the pound thereof, of or from Foreign Countries, be, the cwt. one shilling."	49	98	148	B. M.	
120	„ - 10	——— Raw Silk, not died, viz. Singles, the lb., 1 *s.*:—"That the blank be filled with 'one shilling.'"	242	24	267	B. M.	
121	„ - 13	——— Naval Stores,—Cables, not being Iron Cables, tarred or untarred, the cwt., 6 *s.*:—"That the blank be filled with 'six shillings.'"	165	37	203	B. M.	
122	„ - „	——— Schedule 17 — Coffee, Cocoa, Tea, and Tobacco:—Coffee, the lb., 8 *d.*: Question proposed, "That the blank be filled with 'eight-pence:'"—Whereupon Motion made, and Question put, "That the blank be filled with 'seven-pence.'"	50	83	134	B. M.	
123	„ - „	——— Proposed to insert in the Schedule:—Coffee, imported from any British Possession within the limits of the East India Company's Charter, not being the produce thereof, being now in bond, or to arrive before the first day of August next, 7 *d.*:—Question put, "That the proposed words and Duty be there inserted."	71	135	207	B. M.	
124	„ - „	——— Corks, squared for rounding, the cwt., 16*s.*:—Question proposed, to fill the blank with "the cwt. 16*s.*"—Whereupon Motion made, and Question put, "That the blank be filled with 'the ton, one shilling.'"	83	139	223	B. M.	
126	„ - 14	——— On Exports:—Coal, in a British Ship, viz. not being Small Coal, the ton, 2 *s.*:—"That the proposed words and Duty stand part of the Schedule."	202	69	272	B. M.	
150	„ - 28	Customs Bill, — Clause (Drawback to be allowed on Coal exported for consumption on board British Steam Vessels) brought up, and read the first time:—"That the said Clause be now read a second time."	44	82	127	B. M.	
151	„ - „	——— Amendment proposed in pr. 53, l. 25, after the word "Onion," to leave out the words "from and after the 5th day of July 1843:"—Question put, "That the words proposed to be left out stand part of the Bill."	95	65	161	B. M.	
152	„ - „	——— Amendment proposed in pr. 92, l. 3:—Corks, squared for rounding, the cwt., 16*s.*:—To leave out "16*s.*" in order to insert "4*s.*" instead thereof:—Question put, "That '16*s.*' stand part of the Bill."	112	76	189	B. M.	
49	April - 15	Customs Duties (West Indian and North American Colonies): — (In the Committee):—Wheat-flour, the barrel of 196 lbs., 2 *s.*:—Amendment proposed, after "Wheat-flour," to insert the words "excepting into Canada:" — Question put, "That the proposed words be there inserted."	56	65	122	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
131	June - 16	Dean Forest Ecclesiastical Districts Bill (Advance of Money),—"That the Order of the Day for the Committee be now read."	103	27	131	B. M.	
132	, - „	——— "That Mr. Speaker do now leave the Chair."	103	15	119	B. M.	
158	July - 5	——— On further consideration of Report,—"That the Amendments made by the Committee to the Bill be now read a second time:"—Amendment proposed, being a series of eight Resolutions:—(*Mr. Hume.*)	179	46	226	B. M.	
134	June - 17	Dean Forest Poor Bill,—Third Reading -	84	23	108	- -	A. M.
212	August 1	Deptford Meeting,—"That the Petitions of Peter Murray M'Douall, and of the Chairman of a Meeting of Inhabitants of Deptford, be referred to a Select Committee:"—(*Mr. Thomas Duncombe.*)	32	91	124	B. M.	
214	„ - 2	Designs Copyright Bill,—Report,—"That the Amendments made by the Committee to the Bill be now read a second time:"—Amendment proposed, "That the Bill be re-committed."	75	16	92	B. M.	
215	„ - „	——— Third Clause (Grant of Copyright)	80	15	96	B. M.	
130	June - 16	Distress (Manufacturing Districts), "That this House will, upon Tuesday next, resolve itself into a Committee, for the purpose of taking into consideration a Resolution and Address for employing £. 1,000,000 for temporary relief:"—(*Mr. Ferrand.*)	8	108	117	B. M.	
196	July - 21	——— "That an humble Address be presented for calling Parliament together again at an early period," &c.:—(*Mr. Thomas Duncombe.*)	93	149	243	- -	A. M.
83	May - 13	Election Proceedings Committee,—"That the Committee have power to send for persons, papers and records:"—Amendment proposed, To add, "and that each Member thereof shall subscribe the following Declaration," &c.:—Question put, "That those words be there added."	19	162	182	B. M.	
149	June - 28	——— "That John Walter, Esquire, do attend and give Evidence."	225	79	305	B. M.	
155	„ - 29	——— "That the Report do lie upon the Table:"—Amendment proposed, "That the Order for appointing the Select Committee be discharged:"—(*Colonel Sibthorp.*)	179	47	227	B. M.	
209	July - 28	——— Resolution on the Report proposed:—(*Mr. Roebuck.*)—Previous Question put, "That that Question be now put."	49	138	188	B. M.	
165	„ - 7	——— "That the parties accused shall be entitled to be present," &c.:—(*Sir Robert Harry Inglis.*)—Previous Question put, "That that Question be now put."	51	123	175	B. M.	
127	June - 15	Electors Removal Bill,—Second Reading -	104	122	227	B. M.	
128	„ - „	——— - - - - - - -	103	81	185	B. M.	
167	July - 7	Flag Officers (Navy),—Motion for Return:—(*Mr. Hume:*)—Whereupon, Motion made, "That the House do now adjourn."	23	73	97	- -	A. M.
176	„ - 11	——— On resuming adjourned Debate:—Question again proposed; Debate resumed; Question put.	15	62	78	- -	A. M.
181	, , - 14	——— Motion for Return:—(*Mr. Hume.*)	25	101	127	B. M.	
31	April - 4	Forged Exchequer Bills,—(In the Committee):—Clause:—Question put, "That the Clause be now read a second time."	66	79	146	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
45	April - 11	Income Tax,—That a Petition against, be brought up.	223	224	448	B. M.	
93	May - 26	Ipswich Writ,—Motion for the issue of a new Writ:—(*Colonel Rushbrooke*):—Motion made, and Question put,—"That the Debate be now adjourned."	109	128	238	B. M.	
94	„ - „	——— Original Question again proposed:—Amendment proposed, That "a Select Committee be appointed to inquire into the extent of bribery at the last Election for the Borough of Ipswich:"—(*Mr. O'Connell.*)	135	121	257	B. M.	
235	August - 8	——— Motion for the issue of a new Writ:—Amendment, "That leave be given to bring in a Bill to incapacitate certain electors from voting," &c.:—(*Mr. Thomas Duncombe.*)—Question put.	88	34	123	- -	A. M.
3	February 10	Judicial Offices,—Motion for Copies of Letters of the late Lord President of the Court of Session in Scotland, and the late Chief Justice of the Queen's Bench in Ireland, resigning their judicial offices:—(*Lord John Russell.*)	77	150	228	B. M.	
55	April - 20	Licensed Lunatic Asylums Bill,—(In the Committee.)—First Clause.	21	24	46	B. M.	
237	August - 9	Limitation of Actions (Ireland) Bill,—Report.	43	17	61	B. M.	
20	March - 16	Marriages,—"That leave be given to bring in a Bill," &c.:—(*Lord Francis Egerton.*)	102	125	228	- -	A. M.
9	February 28	Marriages (Ireland) Bill,—(In Committee): Second Clause:—"That the Clause stand part of the Bill."	161	65	227	B. M.	
223	August - 4	Mason, John,—"That an Address be presented concerning his case," &c.:—(*Mr. Thomas Duncombe.*)	32	55	88	B. M.	
156	July - 1	Mines and Collieries Bill,—Third Reading:—"That the Debate be now adjourned."	18	64	83	- -	A. M.
157	„ - „	——— "That the House do now adjourn."	8	50	59	- -	A. M.
164	„ - 7	Ministers' Money (Ireland),—Motion for a Committee of the whole House:—(*Mr. Serjeant Murphy.*)	58	87	146	B. M.	
48	April - 15	Mutiny Bill,—Read third time; Clause (relative to Corporal Punishment):—(*Captain Bernal*):—"That the Clause be now read a second time."	61	189	251	B. M.	
27	March 22	Navy,—"That a plan of retirement should be devised," &c.:—(*Sir Charles Napier.*)—Previous Question put, "That that Question be now put."	42	140	183	B. M.	
28	„ - „	——— "That the Naval Civil situations should be filled, as much as possible, by Naval Officers, Petty Officers and Seamen," &c.:—(*Sir Charles Napier.*)—Previous Question put, "That that Question be now put."	49	141	191	B. M.	
110	June - 6	Newcastle-under-Lyme Writ,—Motion for a new Writ:—Amendment proposed, "That a Select Committee be appointed," &c.	145	99	245	B. M.	
216	August - 3	Newfoundland Bill,—Committee:—"That Mr. Speaker do now leave the Chair."	70	15	86	B. M.	
217	„ - „	——— - - - - - - -	84	23	108	B. M.	
218	„ - „	——— (In the Committee):—First Clause	80	15	96	B. M.	
219	„ - „	——— - - - - - - -	78	16	95	B. M.	
220	„ - „	——— - - - - - - -	77	14	92	B. M.	
221	„ - „	——— - - - - - - -	78	15	94	B. M.	
224	„ - 5	——— Sixth Clause - - - -	82	20	103	B. M.	
225	„ - „	——— Same Clause - - - -	84	23	108	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Newfoundland Bill—*continued.*					
226	August - 5	——— Same Clause - - - -	24	81	106	B. M.	
227	„ - „	——— - - - - - -	81	27	109	B. M.	
230	„ - 6	——— "That the Bill be ingrossed" -	66	23	90	B. M.	
231	„ - 8	——— Third Reading - - -	57	14	72	B. M.	
119	June - 10	Nottingham Writ,—Motion for the issue of a new Writ.	43	138	182	B. M.	
41	April - 7	Petitions against Taxes,—"That the practice of this House be discontinued:"—(*Mr. Thomas Duncombe.*)	138	169	308	B. M.	
23	March - 17	Poor Law (Gilbert's Act, &c.),—"That a Select Committee be appointed," &c.:—(*Mr. Thomas Duncombe.*)	43	110	154	- -	A. M.
133	June - 17	Poor Law Amendment Bill,—Second Reading.	262	63	326	B. M.	
186	July - 19	——— Committee,—Instruction to the Committee:—(*Mr. Sharman Crawford.*)	13	114	128	B. M.	
139	June - 20	——— "That Mr. Speaker do now leave the Chair."	221	50	272	B. M.	
140	„ - „	——— "That the Debate be now adjourned."	20	257	278	- -	A. M.
145	„ - 24	——— "That Mr. Speaker do now leave the Chair:"—Amendment proposed (a Resolution):—(*Mr. Thomas Duncombe*)—"That the Debate be now adjourned."	31	299	331	B. M.	
146	„ - 27	——— Question again proposed - -	158	39	198	B. M.	
187	July - 19	——— "That Mr. Speaker do now leave the Chair:"—Amendment proposed (Resolutions:)—(*Mr. John Fielden.*)	127	10	138	B. M.	
147	June - 27	——— (In the Committee:)—First Clause	76	208	285	B. M.	
148	„ - „	——— - - - - - -	230	47	278	B. M.	
177	July - 12	——— - - - - - -	166	94	261	B. M.	
178	„ - „	——— - - - - - -	18	180	199	B. M.	
179	„ - „	——— - - - - - -	148	28	177	B. M.	
188	„ - 19	——— Second Clause - - -	61	11	73	B. M.	
189	„ - „	——— Twenty-third Clause - -	86	10	97	B. M.	
190	„ - „	——— Clause (exempting places under local Acts;) brought up:—"That the Clause be now read a second time."	44	93	138	B. M.	
193	„ - 20	——— Clause (allowing Guardians to grant Out-door Relief):—(*Mr. Escott.*)—Brought up. "That the said Clause be now read a second time."	57	92	150	B. M.	
198	„ - 22	——— Third Reading - - -	105	32	138	B. M.	
199	„ - „	——— "That the Bill do pass" - -	85	7	93	B. M.	
1	February 7	Presentation of Public Petitions,—"That the Resolution [8th February 1839] be rescinded."	52	239	292	B. M.	
47	April - 14	——— "That every Member offering to present a Petition, do confine himself to a statement of the Parties from whom it comes," &c.	270	48	319	B. M.	
50	„ - 18	Property Tax Bill,—First Reading - -	287	190	478	B. M.	
58	„ - 22	——— Second Reading - - -	157	78	236	B. M.	
60	„ - 25	——— (In the Committee:)—Schedule (C.):—Amendment proposed:—(*Mr. Ricardo.*)	119	255	375	B. M.	
65	„ - 29	——— Schedule (D.) - - - -	114	260	375	B. M.	
66	„ - „	——— - - - - - -	261	52	314	B. M.	
67	„ - „	——— Schedule (E.):—(*Sir Charles Napier.*)	34	207	242	B. M.	
70	May - 2	——— Schedule (C.) - - - -	86	161	248	B. M.	
71	„ - „	——— Schedule (C.) - - - -	42	205	248	B. M.	
76	„ - 6	——— Schedule (D.) - - - -	78	29	108	B. M.	
77	„ - „	——— One hundred and eighty-eighth Clause.	54	176	231	B. M.	
78	„ - „	——— Clause (Attornies' Certificates),—(*Mr. Redhead Yorke:*)—Brought up. "That the Clause be now read a second time."	20	185	206	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Property Tax Bill—*continued.*					
79	May - 9	——— Report brought up,—"That the Clause be now read a second time."	68	112	181	B. M.	
80	„ - „	——— Amendment proposed,—Schedule (A.):—(*Mr. Gill.*)	38	185	224	B. M.	
97	„ - 30	——— Third Reading,—Amendment proposed:—(*Mr. Sharman Crawford.*)	158	23	182	B. M.	
100	„ - 31	——— "That the Bill be now read the third time."	257	151	409	B. M.	
101	„ - „	——— Amendment proposed,—(Literary or Scientific Institutions.)	98	201	300	B. M.	
102	June - 1	Public Houses Bill,—(In the Committee:)—Clauses brought up, "That the said Clauses be now read a second time."	25	61	87	B. M.	
103	„ - „	——— Clause - - - - - -	9	112	122	B. M.	
104	„ - „	——— Clause - - - - - -	29	71	101	B. M.	
59	April - 22	Railways Bill,—(In the Committee:)—Eleventh Clause.	105	106	212	B. M.	
135	June - 18	——— Clause,—"That a Clause be now brought up."	7	109	117	B. M.	
136	„ - „	——— Clause,—(Locking the door of Railway Carriages:)—"That the Clause be now read a second time."	71	94	166	B. M.	
137	„ - „	——— Clause,—(That no Railway shall be used on any part of the Lord's Day:—"That the Clause be now brought up."	10	107	118	B. M.	
138	„ - „	——— Clause (Regulations where Railways have a common Terminus) brought up,—"That the Clause be now read a second time."	42	43	86	B. M.	
61	April - 26	Real Estates,—Motion for Committee of the whole House on Legacy and Probate Duties:—(*Mr. Elphinstone.*)	79	223	303	B. M.	
57	„ - 21	Reform of Parliament:—(*Mr. Sharman Crawford.*)	69	228	298	B. M.	
143	June - 22	Rivers (Ireland) Bill,—(In the Committee:)—Tenth Clause.	35	6	42	B. M.	
114	„ - 8	Salmon Fisheries (Scotland) (No. 2) Bill,—"That the Bill be re-committed."	90	22	113	B. M.	
163	July - 7	Savings Banks,—"That a Select Committee be appointed," &c.:—(*Mr. Hume.*)	36	175	212	B. M.	
162	„ - 6	South Australia (Government and Revenues),—"That the Report be now brought up."	52	11	64	- -	A. M.
191	„ - 19	South Australia Bill,—(In the Committee:)—Eighth Clause.	75	12	88	- -	A. M.
195	„ - 20	——— (Report):—"That the Debate be now adjourned."	3	61	65	- -	A. M.
197	„ - 21	——— Third Reading - - -	70	17	88	- -	A. M.
62	April - 28	Southampton Election,—"That William Rouse Mabson do stand committed to the custody of the Serjeant-at-Arms," &c.—"That the Debate be now adjourned."	18	178	197	B. M.	
63	„ - „	——— "That William Rouse Mabson do stand committed," &c.	119	34	154	B. M.	
6	February 24	Strangers,—"That the Sessional Orders be rescinded:"—(*Mr. Muntz.*)	53	189	243	B. M.	
142	June - 22	Sudbury Disfranchisement Bill,—Report -	50	21	72	B. M.	
160	July - 6	——— Further Proceeding on Third Reading: Clause (to disqualify certain persons from voting) brought up,—"That the said Clause be now read a second time."	55	136	192	B. M.	
161	„ - „	Supply,—"That Mr. Speaker do now leave the Chair:"—Amendment proposed relative to the distress of the Country—(*Mr. Wallace*)—"That the Debate be now adjourned."	86	175	262	- -	A. M.
168	„ - 8	——— "That the Debate be now adjourned."	26	257	284	- -	A. M.

(*continued.*)

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Supply—*continued.*					
169	July - 8	——— "That this House do now adjourn."	20	215	236	- -	A. M.
170	„ - „	——— "That the Debate be now adjourned."	21	211	233	- -	A. M.
171	„ - „	——— On the Amendment - -	176	51	228	- -	A. M.
172	„ - 11	——— "That the Order of the Day for the Committee of Supply be now read:"—Amendment proposed, for a Committee to consider the Law relating to the Importation of Corn:—(*Mr. Villiers.*)	233	119	353	- -	A. M.
185	„ - 18	——— "That Mr. Speaker do now leave the Chair:"—Amendment proposed (Correspondence relative to Mr. St. George):—(*Mr. Sheil.*)	148	77	226	- -	A. M.
200	„ - 22	——— "That Mr. Speaker do now leave the Chair:"—Amendment proposed (Committee on the distressed state of the Country):—(*Mr. Milner Gibson.*)—"That the Debate be now adjourned."	35	190	226	- -	A. M.
201	„ - „	——— On the Amendment - -	158	66	225	- -	A. M.
202	„ - 25	——— "That the Order of the Day for the Committee of Supply be now read:"—Amendment proposed,—"Copy of the Depositions upon which John Mason and others were committed," &c.:—(*Mr. Thomas Duncombe.*)	118	34	153	B. M.	
12	March - 7	——— (In the Committee:)—"That £. 3,517,657 be granted for defraying the charge of the Land Forces," &c. &c.	14	146	161	B. M.	
13	„ - „	——— "That £. 82,458 be granted for defraying the charge of Volunteer Corps."	135	19	155	B. M.	
173	July - 11	——— "That the Chairman do now report Resolutions."	23	202	226	- -	A. M.
174	„ - „	——— "That the Chairman do report Progress."	21	187	209	- -	A. M.
175	„ - „	——— "That the Chairman do now leave the Chair."	19	180	200	- -	A. M.
180	„ - 13	——— "That £. 40,500 be granted for the Salaries and Expenses of the two Houses of Parliament."	25	92	118	B. M.	
182	„ - 15	——— "That £. 19,200 be granted to defray the Charge of Foreign and other Secret Services."	15	119	135	B. M.	
183	„ - „	——— "That £. 12,340. 18. 6. be granted for the Ecclesiastical Establishment in the British North American Provinces and in New Zealand."	27	133	161	B. M.	
184	„ - „	——— "That £. 50,000 be granted for the advancement of Education in Ireland."	96	2	99	B. M.	
194	„ - 20	——— "That £. 8,928 be granted for the Roman Catholic College."	97	50	148	B. M.	
210	„ - 29	——— "That £. 59,936 be granted to liquidate certain Bills drawn by the Governors of South Australia."	77	15	93	B. M.	
64	April - 28	Supreme Court (Scotland),—"That leave be given to bring in a Bill to reduce the present number of Judges," &c.	24	189	214	B. M.	
213	August - 1	Tobacco Regulations Bill,—Re-commitment	55	11	67	B. M.	
73	May - 3	Universal Suffrage, &c.,—"That the Petitioners who signed the National Petition be heard at the Bar of this House:"—(*Mr. Thomas Duncombe.*)	51	289	341	- -	A. M.
141	June - 21	Vote by Ballot - - - - -	159	292	452	B. M.	
222	August - 4	Warner's Invention,—"That a Select Committee be appointed:"—(*Sir Francis Burdett.*)	4	74	79	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
24	March - 21	Ways and Means, — (In the Committee :) "That the Chairman do report progress."	53	330	384	B. M.	
25	„ - „	——— "That the Chairman do leave the Chair."	93	243	337	B. M.	
29	„ - 23	——— "That the Chairman do report progress."	89	292	382	B. M.	
30	„ - „	——— "That the Chairman do leave the Chair."	86	227	314	B. M.	
46	April - 13	——— "That the Report be now brought up."—Amendment proposed: "That the Income Tax is not advisable:" —(*Lord John Russell.*)	310	204	515	- -	A. M.
107	June - 3	——— Sugar Duties:—(*Mr. Roebuck.*)	20	61	82	B. M.	
108	„ „	——— - „ - (*Mr. Labouchere.*)	166	247	414	B. M.	
15	March - 11	West India Clergy Bill, — (In the Committee :)—First Clause.	128	19	148	B. M.	

DIVISIONS ON PRIVATE BILLS.

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
203	July - 26	Birmingham School Bill,—Third Reading. Clause brought up: "That the said Clause be now read a second time."	43	98	142	B. M.	
98	May - 31	Cambuslang and Muirkirk Roads Bill,—Third Reading. Amendment proposed.	93	37	131	B. M.	
99	„ „	——— Another Amendment proposed -	105	45	151	B. M.	
35	April - 6	Cheltenham and Great Western Union Railway Bill,—Report. "That the Debate be now adjourned."	76	112	189	B. M.	
21	March - 17	Edinburgh and Glasgow Railway Bill,— "That the Members for the City of Glasgow, and for the Shires of Dumbarton and Lanark, be added to the Committee:"—(*Mr. Oswald.*)	48	27	76	B. M.	
81	May - 10	Glasgow, Paisley, Kilmarnock and Ayr Railway Bill,—"That the Lords' Amendments be referred to a Select Committee."	56	17	74	B. M.	
86	„ - 24	Haddingtonshire Roads Bill,—Report -	48	86	135	B. M.	
51	April - 19	Kingsclere Inclosure Bill,—Report - -	139	17	157	B. M.	
52	„ - 20	——— Third Reading - - -	113	32	146	B. M.	
53	„ - „	——— - - - - - -	120	28	149	B. M.	
54	„ - „	——— Clause brought up:—"That the said Clause be now read a second time."	47	74	122	B. M.	
106	June - 3	London and Croydon Railway (Grange Road Approach) (No. 2) Bill,—"That the Amendments made by the Committee to the Bill be now read a second time."	90	150	241	B. M.	
109	„ - 6	Lough Foyle Drainage Bill,—Third Reading.	87	34	122	B. M.	
159	July - 6	National Floating Breakwater Company Bill,—Third Reading.	34	22	57	B. M.	
74	May - 4	Northern Union (Newcastle and Darlington Junction) Railway Bill,—Third Reading: "That Clause 333 stand part of the Bill."	107	2	110	B. M.	
32	April - 5	Southwark Improvement (No. 2) Bill,—Report.	7	38	46	B. M.	
72	May - 3	——— Third Reading. Clause brought up:—"That the said Clause be now read a second time."	189	33	223	B. M.	
18	March - 15	St. Mary-le-bone Parish Bill, — Second Reading.	208	133	342	B. M.	
26	„ - 22	Yarmouth and Norwich Railway Bill,— Second Reading.	77	18	96	B. M.	

DIVISIONS OF THE HOUSE.

ABSTRACT RETURN of the Number of Divisions of the House of Commons in the last Session; stating Subject of Division, Date, Numbers divided, &c.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
27 *February* 1843.

Under 2 oz.

LISTS FOR COMMITTEES

ON

PRIVATE BILLS.

LIST OF COUNTIES.

ENGLAND:		ENGLAND—*cont^d.*		ENGLAND—*cont^d.*		WALES:	
Bedford - -	p. 2	Huntingdon - -	4	Salop - - -	7	Wales, North -	10
Berks - - -	2	Kent - - -	5	Somerset - -	7	——— South -	10
Bucks - - -	2	Lancaster, North -	5	Stafford, North -	7		
Cambridge - -	2	——— South -	5	——— South -	7		
Chester - -	2	Leicester - -	5	Suffolk - -	7	SCOTLAND:	
Cornwall - -	2	Lincoln - -	5	Surrey - - -	8	No. 1 - - -	11
Cumberland -	3	Middlesex - -	5	Sussex - - -	8	No. 2 - - -	11
Derby - -	3	Monmouth - -	6	Warwick - -	8		
Devon - -	3	Norfolk - -	6	Westmorland -	8	IRELAND:	
Dorset - -	3	Northampton, North - -	6	Wilts, North -	8	Connaught -	12
Durham - -	3	——— South	6	—— South	8	Leinster - -	12
Essex - - -	3	Northumberland -	6	Worcester - -	9	Munster - -	12
Gloucester - -	4	Nottingham -	6	York, East Riding -	9	Ulster - - -	12
Hants, and the Isle of Wight - -	4	Oxford - -	6	—— North Riding	9		
Hereford - -	4	Rutland - -	7	—— West Riding	9		
Herts - - -	4						

Ordered, by The House of Commons, *to be Printed,*
28 *February* 1843.

BEDFORD.

THE MEMBERS FOR

The County of
- Bedford
- Bucks
- Herts
- Northampton, North
- Cambridge
- Huntingdon

And for
- Bedford
- Huntingdon, Town

BERKS.

THE MEMBERS FOR

The County of
- Berks
- Hants, North
- Oxford
- Surrey, West
- Wilts, North

And for
- Oxford, City
- Reading
- Windsor
- Wallingford
- Abingdon

BUCKS.

THE MEMBERS FOR

The County of
- Bucks
- Bedford
- Herts
- Oxford

And for
- Buckingham
- Great Marlow
- Chipping Wycombe
- Aylesbury
- Windsor

CAMBRIDGE.

THE MEMBERS FOR

The County of
- Cambridge
- Essex, North
- Lincoln (Kesteven and Holland)
- Norfolk, West
- Suffolk, West
- Huntingdon

And for
- Cambridge University
- Cambridge Town
- Bury St. Edmund's

CHESTER.

THE MEMBERS FOR

The County of
- Chester, North
- Chester, South
- Derby, North
- Lancaster, South
- Stafford, North

And for
- Stockport
- Macclesfield
- Ashton-under-Lyne
- Warrington
- Chester, City
- Liverpool
- Manchester
- Salford

CORNWALL.

THE MEMBERS FOR

The County of
- Cornwall, East
- Cornwall, West
- Devon, North
- Devon, South

And for
- Bodmin
- Liskeard
- Launceston
- Devonport
- Plymouth
- Truro
- Penryn and Falmouth
- Helstone
- St. Ives

CUMBERLAND.

THE MEMBERS FOR

The County of
- Cumberland, East
- Cumberland, West
- Westmorland
- Durham, South
- Northumberland, South
- Lancaster, North
- Dumfries

And for
- Carlisle
- Whitehaven
- Cockermouth

DERBY.

THE MEMBERS FOR

The County of
- Derby, North
- Derby, South
- Nottingham, North
- York, West Riding
- Chester, North
- Leicester, North
- Stafford, North

And for
- Derby, Town
- Sheffield
- Stoke-upon-Trent

DEVON.

THE MEMBERS FOR

The County of
- Devon, North
- Devon, South
- Somerset, West
- Cornwall, East

And for
- Barnstaple
- Tiverton
- Exeter
- Honiton
- Ashburton
- Totnes
- Dartmouth
- Plymouth
- Devonport
- Tavistock

DORSET.

THE MEMBERS FOR

The County of
- Dorset
- Devon, South
- Hants, South
- Somerset, West
- Wilts, South

And for
- Bridport
- Dorchester
- Weymouth, and Melcombe Regis
- Wareham
- Lyme Regis
- Poole
- Shaftesbury

DURHAM.

THE MEMBERS FOR

The County of
- Durham, North
- Durham, South
- Northumberland, South
- York, North Riding
- Cumberland, East

And for
- Durham, City
- Sunderland
- South Shields
- Gateshead
- Newcastle
- Tynemouth
- Whitby

ESSEX.

THE MEMBERS FOR

The County of
- Essex, North
- Essex, South
- Suffolk, East
- Suffolk, West
- Cambridge
- Herts

And for
- Colchester
- Harwich
- Maldon

GLOUCESTER.

THE MEMBERS FOR

The County of
- Gloucester, East
- Gloucester, West
- Wilts, North
- Oxford
- Worcester, West
- Monmouth
- Somerset, East

And for
- Gloucester, City
- Cirencester
- Stroud
- Cheltenham
- Tewkesbury
- Bristol

HANTS, AND THE ISLE OF WIGHT.

THE MEMBERS FOR

The County of
- Hants, North
- Hants, South
- Wilts, South
- Dorset
- The Isle of Wight

And for
- Winchester
- Petersfield
- Andover
- Southampton
- Lymington
- Christchurch
- Newport
- Portsmouth

HEREFORD.

THE MEMBERS FOR

The County of
- Hereford
- Gloucester, East
- Salop, South
- Worcester, West
- Brecon
- Monmouth
- Radnor

And for
- Hereford, City
- Leominster
- Ludlow
- Radnor

HERTS.

THE MEMBERS FOR

The County of
- Herts
- Bedford
- Bucks
- Cambridge
- Essex, South
- Middlesex

And for
- Hertford, Town
- St. Alban's

HUNTINGDON.

THE MEMBERS FOR

The County of
- Huntingdon
- Cambridge
- Bedford
- Northampton, North
- Lincoln, South

And for
- Huntingdon, Town
- Peterborough
- Cambridge, Town

KENT.

THE MEMBERS FOR

The County of
- Kent, East
- Kent, West
- Sussex, East
- Middlesex
- Surrey, East

And for
- Canterbury
- Sandwich
- Dover
- Hythe
- Maidstone
- Rochester
- Chatham
- Greenwich

LANCASTER, NORTH.

THE MEMBERS FOR

The County of
- Lancaster, North
- Lancaster, South
- York, West Riding
- Westmorland
- Cumberland, West

And for
- Lancaster, Town
- Preston
- Blackburn
- Clitheroe
- Wigan
- Kendal

LANCASTER, SOUTH.

THE MEMBERS FOR

The County of
- Lancaster, South
- Lancaster, North
- Chester, North
- Chester, South
- York, West Riding

And for
- Manchester
- Salford
- Ashton-under-Lyne
- Oldham
- Bolton-le-Moors
- Bury
- Rochdale
- Wigan
- Liverpool
- Warrington

LEICESTER.

THE MEMBERS FOR

The County of
- Leicester, North
- Leicester, South
- Rutland
- Lincoln (Kesteven and Holland)
- Nottingham, South
- Derby, South
- Northampton, North
- Northampton, South
- Warwick, North

And for
- Leicester, Town
- Coventry

LINCOLN.

THE MEMBERS FOR

The County of
- Lincoln (Lindsey)
- Lincoln (Kesteven and Holland)
- York, East Riding
- York, West Riding
- Nottingham, North
- Nottingham, South
- Cambridge

And for
- Lincoln, City
- Great Grimsby
- Boston
- Grantham
- Stamford

MIDDLESEX.

THE MEMBERS FOR

The County of
- Middlesex
- Essex, South
- Surrey, East
- Surrey, West
- Hertford

And for
- London
- Westminster
- Finsbury
- Mary-le-bone
- The Tower Hamlets
- Southwark
- Lambeth

MONMOUTH.

THE MEMBERS FOR
The County of
Monmouth
Brecon
Glamorgan
Gloucester, West
Gloucester, East
Hereford

And for
Monmouth, Town
Merthyr Tydvil
Cardiff
Brecon, Town
Bristol

NORFOLK.

THE MEMBERS FOR
The County of
Norfolk, West
Norfolk, East
Suffolk, East
Suffolk, West
Cambridge
Lincoln (Kesteven and Holland)

And for
Norwich
Great Yarmouth
King's Lynn
Thetford

NORTHAMPTON, NORTH.

THE MEMBERS FOR
The County of
Northampton, North
Northampton, South
Leicester, South
Bedford
Lincoln (Kesteven and Holland)
Rutland
Huntingdon

And for
Peterborough
Stamford

NORTHAMPTON, SOUTH.

THE MEMBERS FOR
The County of
Northampton, South
Northampton, North
Leicester, South
Warwick, South
Oxford
Bucks

And for
Northampton, Town

NORTHUMBERLAND.

THE MEMBERS FOR
The County of
Northumberland, North
Northumberland, South
Berwick
Roxburgh
Cumberland, East
Durham

And for
Morpeth
Berwick-upon-Tweed
Newcastle
Tynemouth
Gateshead
South Shields
Sunderland

NOTTINGHAM.

THE MEMBERS FOR
The County of
Nottingham, North
Nottingham, South
Lincoln (Lindsey)
York, West Riding
Derby, North
Derby, South
Lincoln (Kesteven and Holland)
Leicester, North

And for
East Retford
Nottingham, Town
Newark

OXFORD.

THE MEMBERS FOR
The County of
Oxford
Berks
Bucks
Gloucester, East
Northampton, South
Warwick, South

And for
Oxford, University
Oxford, City
Woodstock

RUTLAND.

THE MEMBERS FOR

The County of
- Rutland
- Leicester, North
- Lincoln (Kesteven and Holland)
- Northampton, North
- Leicester, South

And for
- Stamford
- Leicester
- Peterborough
- Grantham

SALOP.

THE MEMBERS FOR

The County of
- Salop, North
- Salop, South
- Stafford, North
- Stafford, South
- Chester, South
- Worcester, West
- Montgomery
- Hereford

And for
- Shrewsbury
- Bridgnorth
- Wenlock
- Ludlow

SOMERSET.

THE MEMBERS FOR

The County of
- Somerset, East
- Somerset, West
- Dorset
- Wilts, North
- Wilts, South
- Gloucester, West
- Devon, North

And for
- Bristol
- Bath
- Wells
- Frome
- Taunton
- Bridgwater

STAFFORD, NORTH.

THE MEMBERS FOR

The County of
- Stafford, North
- Stafford, South
- Derby, North
- Derby, South
- Chester, South
- Salop, North

And for
- Stafford, Town
- Stoke-upon-Trent
- Newcastle-under-Lyme
- Macclesfield
- Derby, Town

STAFFORD, SOUTH.

THE MEMBERS FOR

The County of
- Stafford, South
- Stafford, North
- Warwick, North
- Salop, North
- Salop, South
- Worcester, East

And for
- Tamworth
- Wolverhampton
- Walsall
- Lichfield
- Stafford, Town
- Dudley
- Birmingham

SUFFOLK.

THE MEMBERS FOR

The County of
- Suffolk, East
- Suffolk, West
- Norfolk, East
- Norfolk, West
- Essex, North
- Cambridge

And for
- Ipswich
- Eye
- Bury St. Edmund's
- Sudbury

SURREY.

THE MEMBERS FOR

The County of
- Surrey, East
- Surrey, West
- Sussex, East
- Sussex, West
- Kent, West
- Middlesex
- Berks
- Hants, North

And for
- Reigate
- Southwark
- Lambeth
- Guildford
- Midhurst

SUSSEX.

THE MEMBERS FOR

The County of
- Sussex, East
- Sussex, West
- Kent, West
- Surrey, West
- Hants, North
- Hants, South

And for
- Lewes
- Brighthelmstone
- Hastings
- Rye
- New Shoreham
- Horsham
- Midhurst
- Arundel
- Chichester

WARWICK.

THE MEMBERS FOR

The County of
- Warwick, North
- Warwick, South
- Leicester, South
- Stafford, South
- Worcester, East
- Oxford
- Northampton, North
- Gloucester, East

And for
- Birmingham
- Coventry
- Warwick, Town

WESTMORLAND.

THE MEMBERS FOR

The County of
- Westmorland
- Cumberland, East
- Durham, South
- Lancaster, North
- York, North Riding
- York, West Riding

And for
- Kendal
- Lancaster
- Cockermouth

WILTS, NORTH.

THE MEMBERS FOR

The County of
- Wilts, North
- Wilts, South
- Berks
- Gloucester, East
- Somerset, East

And for
- Chippenham
- Devizes
- Calne
- Marlborough
- Cricklade
- Malmesbury

WILTS, SOUTH.

THE MEMBERS FOR

The County of
- Wilts, South
- Wilts, North
- Dorset
- Somerset, East
- Berks
- Hants, North
- Hants, South

And for
- Westbury
- Wilton
- Salisbury

WORCESTER.

THE MEMBERS FOR

The County of
- Worcester, East
- Worcester, West
- Gloucester, East
- Warwick, South
- Stafford, South
- Salop, South
- Hereford

And for
- Droitwich
- Evesham
- Dudley
- Worcester, City
- Kidderminster
- Bewdley

YORK, EAST RIDING.

THE MEMBERS FOR

The County of
- York, East Riding
- York, North Riding
- York, West Riding
- Lincoln (Lindsey)

And for
- Hull
- Beverley
- York, City
- Malton
- Scarborough
- Grimsby

YORK, NORTH RIDING.

THE MEMBERS FOR

The County of
- York, North Riding
- York, East Riding
- York, West Riding
- Durham, South
- Westmorland
- Lancaster, North

And for
- Scarborough
- Malton
- York, City
- Whitby
- Thirsk
- Northallerton
- Richmond

YORK, WEST RIDING.

THE MEMBERS FOR

The County of
- York, West Riding
- York, North Riding
- York, East Riding

And for
- Sheffield
- Huddersfield
- Halifax
- Wakefield
- Pontefract
- Leeds
- Bradford
- Knaresborough
- Ripon
- York, City

WALES.

WALES, NORTH.

THE MEMBERS FOR

The County of
- Anglesea
- Carnarvon
- Denbigh
- Flint
- Merioneth
- Montgomery
- Cardigan
- Chester, South
- Radnor
- Salop, North
- Salop, South

And for
- Beaumaris
- Carnarvon, Town
- Denbigh, Town
- Flint, Town
- Montgomery, Town
- Chester, City

WALES, SOUTH.

THE MEMBERS FOR

The County of
- Cardigan
- Glamorgan
- Brecknock
- Carmarthen
- Pembroke
- Radnor
- Merioneth
- Montgomery
- Monmouth
- Hereford
- Salop, South

And for
- Cardigan, Town
- Cardiff
- Swansea
- Merthyr Tydvil
- Brecon, Town
- Carmarthen, Town
- Haverfordwest
- Pembroke, Town
- New Radnor

SCOTLAND.

No. 1.

The Members for the Counties of	The Members for the Burghs and Towns of
Orkney	Wick, &c.
Sutherland	Elgin, &c.
Banff	Aberdeen
Elgin and Nairn	Montrose, &c.
Aberdeen	St. Andrew's, &c.
Kincardine	Kirkaldy, &c.
Forfar	Edinburgh
Kinross	Haddington, &c.
Fife	Dundee
Edinburgh	Leith
Selkirk	Inverness, &c.
Haddington	
Berwick	
Caithness	
Roxburgh	

No. 2.

The Members for the Counties of	The Members for the Burghs and Towns of
Ross	Ayr, &c.
Inverness	Perth
Argyle	Stirling, &c.
Perth	Paisley
Stirling	Greenock
Lanark	Falkirk, &c.
Bute	Glasgow
Ayr	Dumfries, &c.
Renfrew	Wigton, &c.
Dumfries	Kilmarnock, &c.
Kirkcudbright	
Wigton	
Dumbarton	
Peebles	
Linlithgow	

IRELAND.

CONNAUGHT.

THE MEMBERS FOR

The County of
- Leitrim
- Sligo
- Mayo
- Roscommon
- Galway

And for
- Sligo, Town
- Galway, Town

LEINSTER.

THE MEMBERS FOR

The County of
- Louth
- Longford
- Meath
- Dublin
- King's County
- Kildare
- Queen's County
- Wicklow
- Carlow
- Kilkenny
- Wexford
- Westmeath

And for
- Drogheda
- Dundalk
- Dublin, City
- Dublin, University
- Portarlington
- Carlow, Town
- Kilkenny, Town
- New Ross
- Wexford, Town
- Athlone

MUNSTER.

THE MEMBERS FOR

The County of
- Clare
- Tipperary
- Limerick
- Kerry
- Cork
- Waterford

And for
- Ennis
- Cashel
- Clonmel
- Limerick, City
- Cork, City
- Tralee
- Bandon Bridge
- Kinsale
- Mallow
- Youghal
- Dungarvon
- Waterford, City

ULSTER.

THE MEMBERS FOR

The County of
- Donegal
- Londonderry
- Antrim
- Tyrone
- Down
- Fermanagh
- Armagh
- Monaghan
- Cavan

And for
- Londonderry
- Coleraine
- Belfast
- Carrickfergus
- Lisburn
- Dungannon
- Downpatrick
- Newry
- Enniskillen
- Armagh, City
- Drogheda

SITTINGS OF THE HOUSE.

RETURN to an Order of the Honourable The House of Commons, dated 15 August 1843;—*for*,

A RETURN of the Number of Days on which The House of Commons sat in this Session of Parliament; stating the Total Number of Hours occupied in the Sittings of The House, and the Average Time; and also, distinguishing the Number of Nights on which The House sat, and the Number of Hours after Midnight, to the latest Period.

Days of Sitting.		Hour of Adjournment.	Hours of Sitting.	Hours after Midnight.	Saturdays.	
					—	Hrs.
Feb.	2	12 ¾	10 ¾	¾		
	3	7 ¼	3 ¼	—		
	6	7	3	—		
	7	8	4	—		
	9	12 ¼	8 ¼	¼		
	10	6	2	—		
	13	1	9	1		
	14	12 ¼	8 ¼	¼		
	15	12	8	—		
	16	12 ¼	8 ¼	¼		
	17	3 ¾	11 ¾	3 ¾		
	20	12 ½	8 ½	½		
	21	12 ¾	8 ¾	¾		
	22	6 ½	2 ½	—		
	23	1	9	1		
	24	12 ¾	8 ¾	¾		
	27	10 ¾	6 ¾	—		
	28	12 ¾	8 ¾	¾		
March	1	12 ½	8 ½	½		
	3	12 ½	8 ½	½		
	6	12 ½	8 ½	½		
	7	12 ½	8 ½	½		
	8	2	10	2		
	9	2	10	2		
					March 11	5 ¾
	13	12 ¾	8 ¾	¾		
	14	1 ¼	9 ¼	1 ¼		
	15	2 ½	10 ½	2 ½		
	16	4 ¾	¾	—		
	17	12	8	—		
	20	8 ¼	4 ¼	—		
	21	1 ¼	9 ¼	1 ¼		
	22	7 ¼	3 ¼	—		
	23	1 ¼	9 ¼	1 ¼		
	24	1	9	1		
	27	12 ¾	8 ¾	¾		
	28	12 ½	8 ½	½		
	30	12 ½	8 ½	½		
	31	12 ¾	8 ¾	¾		
April	3	1 ½	9 ½	1 ½		
	4	2	10	2		
	5	5	1	—		
	6	12 ¾	8 ¾	¾		
	7	1	9	1		
	10	12 ¾	8 ¾	¾		
	11	9 ½	5 ½	—		
	24	9	5	—		
	25	12 ½	8 ½	½		
	26	7 ¼	3 ¼	—		
	27	7 ½	3 ½	—		
	28	12 ½	8 ½	½		
May	1	11 ½	7 ½	—		
	2	2 ½	10 ½	2 ½		
	3	6 ¼	2 ¼	—		
	5	12 ¾	8 ¾	¾		
	8	11 ½	7 ½	—		
	9	12 ½	8 ½	½		
	10	12 ¼	8 ¼	¼		
	11	12 ¼	8 ¼	¼		
	12	4	12	4		
	15	2 ¼	10 ¼	2 ¼		
	16	12 ¼	8 ¼	¼		
	18	12 ¾	8 ¾	¾		
	19	1	9	1		
	22	12 ½	8 ½	½		

Days of Sitting.		Hour of Adjournment.	Hours of Sitting.	Hours after Midnight.	Saturdays.	
					—	Hrs.
May	23	10 ¼	6 ¼	—		
	24	6 ½	2 ½	—		
	25	12 ¼	8 ¼	¼		
	26	12 ¼	8 ¼	¼		
	29	1 ¼	9 ¼	1 ¼		
	30	12 ½	8 ½	½		
	31	1 ¾	9 ¾	1 ¾		
June	2	1	9	1		
	9	12 ½	8 ½	½		
	12	1 ½	9 ½	1 ½		
	13	12 ½	8 ½	½		
	14	8 ¼	4 ¼	—		
	15	12 ½	8 ½	½		
	16	3	11	3		
	19	1 ¾	9 ¾	1 ¾		
	20	11 ½	7 ½	—		
	21	8 ¼	4 ¼	—		
	22	1	9	1		
	23	1 ¼	9 ¼	1 ¼		
	26	1 ½	9 ½	1 ½		
	27	12 ¼	8 ¼	¼		
	29	1	9	1		
	30	1	9	1		
July	3	2 ¼	10 ¼	2 ¼		
	4	12 ¾	8 ¾	¾		
	5	1 ¾	9 ¾	1 ¾		
	7	1	9	1		
	10	12 ¾	8 ¾	¾		
	11	3	11	3		
	12	2 ½	10 ½	2 ½		
	13	1 ¼	9 ¼	1 ¼		
	14	12 ¾	8 ¾	¾		
	17	1 ¾	9 ¾	1 ¾		
	19	8	4	—		
	20	1 ½	9 ½	1 ½		
	21	1 ½	9 ½	1 ½		
	24	1 ½	9 ½	1 ½		
	25	7 ¾	3 ¾	—		
	26	7	3	—		
	27	1	9	1		
	28	1 ½	9 ½	1 ½		
	31	1 ¾	9 ¾	1 ¾		
*Aug.	1	1	13	1		
	2	8	4	—		
	3	1	9	1		
	*4	2	14	2		
					August 5	5 ½
	*7	1 ½	13 ½	1 ½		
	*8	4 ¼	4 ¼	—		
	*9	1 ¾	13 ¾	1 ¾		
	*10	2	14	2		
	*11	2	14	2		
					August 12	1 ¾
	*14	1 ¼	13 ¼	1 ¼		
	*15	1 ¾	13 ¾	1 ¾		
	*16	1 ½	13 ½	1 ½		
	*17	6	6	—		
119		- -	986 ½	105 ½	3	13
				89 nights.		

* On these Days the House met at 12 o'Clock.

From 2 February to 17 August, 119 Days, and three Saturdays; Hours of Sitting, 986 ½; Hours after Midnight, 105 ½; Average Time of Sitting, 8 Hours, 17 Minutes.

Journal-Office, House of Commons, 18 August 1843.

J. Gudge, Clerk of the Journals.

SITTINGS OF THE HOUSE.

RETURN of the Number of Days on which The House of Commons sat in this Session of Parliament; stating the Total Number of Hours occupied in the Sittings of The House, and the Average Time; and also, distinguishing the Number of Nights on which The House sat, and the Number of Hours after Midnight, to the latest Period.

(*Mr. Brotherton.*)

Ordered, by The House of Commons, *to be Printed,*
21 *August* 1843.

HOUSE OF COMMONS.

Veneris, 2° die Februarii, 1844.

Resolved,

THAT this House will not receive any PETITION for any PRIVATE BILL after *Friday* the 23d day of this instant *February*.

Resolved,

THAT no PRIVATE BILL be read the First Time after *Friday* the 22d day of *March* next.

Resolved,

THAT this House will not receive the REPORT of any such PRIVATE BILL after *Friday* the 24th day of *May* next.

Ordered,

THAT the said RESOLUTIONS be Printed.

J. H. LEY,
Cl. Dom. Com.

VOTES AND PARLIAMENTARY PAPERS.

THE VOTES, REPORTS and PAPERS Printed by Order of the House of Commons, may be purchased at the Prices and at the Places following:—One Day's Votes, and any Report or Paper may be had separate, at the rate of One Halfpenny per Sheet of four pages; half-sheets reckoned as whole sheets. Maps and Plans at the rate of 3*d.* per half-sheet; 6*d.* per sheet, and 1*s.* for all larger sizes. For Cash.

The ANNUAL SUBSCRIPTION for the Votes, Lists of Divisions, and Supplements (in which are Reports on Railways) - - - - - - - - - - -	£.1 10 –
For Appendix, consisting of Petitions - - - - - - - - - -	1 – –
The ANNUAL SUBSCRIPTION for all other Papers - - - - - - - -	12 12 –

SUBSCRIPTIONS to be paid in advance.

[Note.—*The Votes, or Lists of Divisions, or Supplements, or Appendix, being the Petitions, may be purchased separately upon special application, as also any Report or Paper.*]

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Ordered, by The House of Commons, *to be Printed,*
2 *February* 1844.

LISTS FOR COMMITTEES

ON

PRIVATE BILLS.

LIST OF COUNTIES.

ENGLAND:		ENGLAND—*cont^d.*		ENGLAND—*cont^d.*		WALES:	
Bedford - -	p. 2	Huntingdon - -	4	Salop - - -	7	Wales, North -	10
Berks - - -	2	Kent - - -	5	Somerset - -	7	——— South -	10
Bucks - - -	2	Lancaster, North -	5	Stafford, North -	7		
Cambridge - -	2	——— South -	5	——— South -	7		
Chester - -	2	Leicester - -	5	Suffolk - -	7	SCOTLAND:	
Cornwall - -	2	Lincoln - -	5	Surrey - - -	8	No. 1 - - -	11
Cumberland -	3	Middlesex - -	5	Sussex - - -	8	No. 2 - - -	11
Derby - -	3	Monmouth - -	6	Warwick - -	8		
Devon - -	3	Norfolk - -	6	Westmorland -	8	IRELAND:	
Dorset - -	3	Northampton -	6	Wilts, North -	8	Connaught - -	12
Durham - -	3	Northumberland -	6	—— South	8	Leinster - -	12
Essex - - -	3	Nottingham -	6	Worcester - -	9	Munster - -	12
Gloucester - -	4	Oxford - -	6	York, East Riding -	9	Ulster - - -	12
Hants, and the Isle of Wight - -	4	Rutland - -	7	—— North Riding	9		
Hereford - -	4			—— West Riding	9		
Herts - - -	4						

Ordered, by The House of Commons, *to be Printed,*
21 *February* 1844.

BEDFORD.

THE MEMBERS FOR

The County of
- Bedford
- Bucks
- Herts
- Northampton, North
- Cambridge
- Huntingdon

And for
- Bedford
- Huntingdon, Town

BERKS.

THE MEMBERS FOR

The County of
- Berks
- Hants, North
- Oxford
- Surrey, West
- Wilts, North

And for
- Oxford, City
- Reading
- Windsor
- Wallingford
- Abingdon

BUCKS.

THE MEMBERS FOR

The County of
- Bucks
- Bedford
- Herts
- Oxford

And for
- Buckingham
- Great Marlow
- Chipping Wycombe
- Aylesbury
- Windsor

CAMBRIDGE.

THE MEMBERS FOR

The County of
- Cambridge
- Essex, North
- Lincoln (Kesteven and Holland)
- Norfolk, West
- Suffolk, West
- Huntingdon

And for
- Cambridge University
- Cambridge Town
- Bury St. Edmund's

CHESTER.

THE MEMBERS FOR

The County of
- Chester, North
- Chester, South
- Derby, North
- Lancaster, South
- Stafford, North

And for
- Stockport
- Macclesfield
- Ashton-under-Lyne
- Warrington
- Chester, City
- Liverpool
- Manchester
- Salford

CORNWALL.

THE MEMBERS FOR

The County of
- Cornwall, East
- Cornwall, West
- Devon, North
- Devon, South

And for
- Bodmin
- Liskeard
- Launceston
- Devonport
- Plymouth
- Truro
- Penryn and Falmouth
- Helstone
- St. Ives

CUMBERLAND.

THE MEMBERS FOR

The County of
- Cumberland, East
- Cumberland, West
- Westmorland
- Durham, South
- Northumberland, South
- Lancaster, North
- Dumfries

And for
- Carlisle
- Whitehaven
- Cockermouth

DERBY.

THE MEMBERS FOR

The County of
- Derby, North
- Derby, South
- Nottingham, North
- York, West Riding
- Chester, North
- Leicester, North
- Stafford, North

And for
- Derby, Town
- Sheffield
- Stoke-upon-Trent

DEVON.

THE MEMBERS FOR

The County of
- Devon, North
- Devon, South
- Somerset, West
- Cornwall, East

And for
- Barnstaple
- Tiverton
- Exeter
- Honiton
- Ashburton
- Totnes
- Dartmouth
- Plymouth
- Devonport
- Tavistock

DORSET.

THE MEMBERS FOR

The County of
- Dorset
- Devon, South
- Hants, South
- Somerset, West
- Wilts, South

And for
- Bridport
- Dorchester
- Weymouth, and Melcombe Regis
- Wareham
- Lyme Regis
- Poole
- Shaftesbury

DURHAM.

THE MEMBERS FOR

The County of
- Durham, North
- Durham, South
- Northumberland, South
- York, North Riding
- Cumberland, East

And for
- Durham, City
- Sunderland
- South Shields
- Gateshead
- Newcastle
- Tynemouth
- Whitby

ESSEX.

THE MEMBERS FOR

The County of
- Essex, North
- Essex, South
- Suffolk, East
- Suffolk, West
- Cambridge
- Herts

And for
- Colchester
- Harwich
- Maldon

GLOUCESTER.

THE MEMBERS FOR

The County of
- Gloucester, East
- Gloucester, West
- Wilts, North
- Oxford
- Worcester, West
- Monmouth
- Somerset, East

And for
- Gloucester, City
- Cirencester
- Stroud
- Cheltenham
- Tewkesbury
- Bristol

HANTS, AND THE ISLE OF WIGHT.

THE MEMBERS FOR

The County of
- Hants, North
- Hants, South
- Wilts, South
- Dorset
- The Isle of Wight

And for
- Winchester
- Petersfield
- Andover
- Southampton
- Lymington
- Christchurch
- Newport
- Portsmouth

HEREFORD.

THE MEMBERS FOR

The County of
- Hereford
- Gloucester, East
- Salop, South
- Worcester, West
- Brecon
- Monmouth
- Radnor

And for
- Hereford, City
- Leominster
- Ludlow
- Radnor

HERTS.

THE MEMBERS FOR

The County of
- Herts
- Bedford
- Bucks
- Cambridge
- Essex, South
- Middlesex

And for
- Hertford, Town
- St. Alban's

HUNTINGDON.

THE MEMBERS FOR

The County of
- Huntingdon
- Cambridge
- Bedford
- Northampton, North
- Lincoln, South

And for
- Huntingdon, Town
- Peterborough
- Cambridge, Town

KENT.

THE MEMBERS FOR

The County of
Kent, East
Kent, West
Sussex, East
Middlesex
Surrey, East

And for
Canterbury
Sandwich
Dover
Hythe
Maidstone
Rochester
Chatham
Greenwich

LANCASTER, NORTH.

THE MEMBERS FOR

The County of
Lancaster, North
Lancaster, South
York, West Riding
Westmorland
Cumberland, West

And for
Lancaster, Town
Preston
Blackburn
Clitheroe
Wigan
Kendal

LANCASTER, SOUTH.

THE MEMBERS FOR

The County of
Lancaster, South
Lancaster, North
Chester, North
Chester, South
York, West Riding

And for
Manchester
Salford
Ashton-under-Lyne
Oldham
Bolton-le-Moors
Bury
Rochdale
Wigan
Liverpool
Warrington

LEICESTER.

THE MEMBERS FOR

The County of
Leicester, North
Leicester, South
Rutland
Lincoln (Kesteven and Holland)
Nottingham, South
Derby, South
Northampton, North
Northampton, South
Warwick, North

And for
Leicester, Town
Coventry

LINCOLN.

THE MEMBERS FOR

The County of
Lincoln (Lindsey)
Lincoln (Kesteven and Holland)
York, East Riding
York, West Riding
Nottingham, North
Nottingham, South
Cambridge

And for
Lincoln, City
Great Grimsby
Boston
Grantham
Stamford

MIDDLESEX.

THE MEMBERS FOR

The County of
Middlesex
Essex, South
Surrey, East
Surrey, West
Hertford

And for
London
Westminster
Finsbury
Mary-le-bone
The Tower Hamlets
Southwark
Lambeth

MONMOUTH.

THE MEMBERS FOR

The County of
Monmouth
Brecon
Glamorgan
Gloucester, West
Gloucester, East
Hereford

And for
Monmouth, Town
Merthyr Tydvil
Cardiff
Brecon, Town
Bristol

NORFOLK.

THE MEMBERS FOR

The County of
Norfolk, West
Norfolk, East
Suffolk, East
Suffolk, West
Cambridge
Lincoln (Kesteven and Holland)

And for
Norwich
Great Yarmouth
King's Lynn
Thetford

NORTHAMPTON.

THE MEMBERS FOR

The County of
Northampton, North
Northampton, South
Leicester, South
Warwick, South
Oxford
Bucks
Bedford
Lincoln (Kesteven and Holland)
Rutland
Huntingdon

And for
Peterborough
Northampton, Town

NORTHUMBERLAND.

THE MEMBERS FOR

The County of
Northumberland, North
Northumberland, South
Berwick
Roxburgh
Cumberland, East
Durham

And for
Morpeth
Berwick-upon-Tweed
Newcastle
Tynemouth
Gateshead
South Shields
Sunderland

NOTTINGHAM.

THE MEMBERS FOR

The County of
Nottingham, North
Nottingham, South
Lincoln (Lindsey)
York, West Riding
Derby, North
Derby, South
Lincoln (Kesteven and Holland)
Leicester, North

And for
East Retford
Nottingham, Town
Newark

OXFORD.

THE MEMBERS FOR

The County of
Oxford
Berks
Bucks
Gloucester, East
Northampton, South
Warwick, South

And for
Oxford, University
Oxford, City
Woodstock
Banbury
Wallingford

RUTLAND.

THE MEMBERS FOR

The County of
- Rutland
- Leicester, North
- Lincoln (Kesteven and Holland)
- Northampton, North
- Leicester, South

And for
- Stamford
- Leicester
- Peterborough
- Grantham

SALOP.

THE MEMBERS FOR

The County of
- Salop, North
- Salop, South
- Stafford, North
- Stafford, South
- Chester, South
- Worcester, West
- Montgomery
- Hereford

And for
- Shrewsbury
- Bridgnorth
- Wenlock
- Ludlow

SOMERSET.

THE MEMBERS FOR

The County of
- Somerset, East
- Somerset, West
- Dorset
- Wilts, North
- Wilts, South
- Gloucester, West
- Devon, North

And for
- Bristol
- Bath
- Wells
- Frome
- Taunton
- Bridgwater

STAFFORD, NORTH.

THE MEMBERS FOR

The County of
- Stafford, North
- Stafford, South
- Derby, North
- Derby, South
- Chester, South
- Salop, North

And for
- Stafford, Town
- Stoke-upon-Trent
- Newcastle-under-Lyme
- Macclesfield
- Derby, Town

STAFFORD, SOUTH.

THE MEMBERS FOR

The County of
- Stafford, South
- Stafford, North
- Warwick, North
- Salop, North
- Salop, South
- Worcester, East

And for
- Tamworth
- Wolverhampton
- Walsall
- Lichfield
- Stafford, Town
- Dudley
- Birmingham

SUFFOLK.

THE MEMBERS FOR

The County of
- Suffolk, East
- Suffolk, West
- Norfolk, East
- Norfolk, West
- Essex, North
- Cambridge

And for
- Ipswich
- Eye
- Bury St. Edmund's
- Sudbury

SURREY.

THE MEMBERS FOR

The County of
- Surrey, East
- Surrey, West
- Sussex, East
- Sussex, West
- Kent, West
- Middlesex
- Berks
- Hants, North

And for
- Reigate
- Southwark
- Lambeth
- Guildford
- Midhurst

SUSSEX.

THE MEMBERS FOR

The County of
- Sussex, East
- Sussex, West
- Kent, West
- Surrey, West
- Hants, North
- Hants, South

And for
- Lewes
- Brighthelmstone
- Hastings
- Rye
- New Shoreham
- Horsham
- Midhurst
- Arundel
- Chichester

WARWICK.

THE MEMBERS FOR

The County of
- Warwick, North
- Warwick, South
- Leicester, South
- Stafford, South
- Worcester, East
- Oxford
- Northampton, North
- Gloucester, East

And for
- Birmingham
- Coventry
- Warwick, Town

WESTMORLAND.

THE MEMBERS FOR

The County of
- Westmorland
- Cumberland, East
- Durham, South
- Lancaster, North
- York, North Riding
- York, West Riding

And for
- Kendal
- Lancaster
- Cockermouth

WILTS, NORTH.

THE MEMBERS FOR

The County of
- Wilts, North
- Wilts, South
- Berks
- Gloucester, East
- Somerset, East

And for
- Chippenham
- Devizes
- Calne
- Marlborough
- Cricklade
- Malmesbury

WILTS, SOUTH.

THE MEMBERS FOR

The County of
- Wilts, South
- Wilts, North
- Dorset
- Somerset, East
- Berks
- Hants, North
- Hants, South

And for
- Westbury
- Wilton
- Salisbury

WORCESTER.

THE MEMBERS FOR

The County of
- Worcester, East
- Worcester, West
- Gloucester, East
- Warwick, South
- Stafford, South
- Salop, South
- Hereford

And for
- Droitwich
- Evesham
- Dudley
- Worcester, City
- Kidderminster
- Bewdley

YORK, EAST RIDING.

THE MEMBERS FOR

The County of
- York, East Riding
- York, North Riding
- York, West Riding
- Lincoln (Lindsey)

And for
- Hull
- Beverley
- York, City
- Malton
- Scarborough
- Grimsby

YORK, NORTH RIDING.

THE MEMBERS FOR

The County of
- York, North Riding
- York, East Riding
- York, West Riding
- Durham, South
- Westmorland
- Lancaster, North

And for
- Scarborough
- Malton
- York, City
- Whitby
- Thirsk
- Northallerton
- Richmond

YORK, WEST RIDING.

THE MEMBERS FOR

The County of
- York, West Riding
- York, North Riding
- York, East Riding

And for
- Sheffield
- Huddersfield
- Halifax
- Wakefield
- Pontefract
- Leeds
- Bradford
- Knaresborough
- Ripon
- York, City

WALES.

WALES, NORTH.

THE MEMBERS FOR

The County of

Anglesea
Carnarvon
Denbigh
Flint
Merioneth
Montgomery
Cardigan
Chester, South
Radnor
Salop, North
Salop, South

And for

Beaumaris
Carnarvon, Town
Denbigh, Town
Flint, Town
Montgomery, Town
Chester, City

WALES, SOUTH.

THE MEMBERS FOR

The County of

Cardigan
Glamorgan
Brecknock
Carmarthen
Pembroke
Radnor
Merioneth
Montgomery
Monmouth
Hereford
Salop, South

And for

Cardigan, Town
Cardiff
Swansea
Merthyr Tydvil
Brecon, Town
Carmarthen, Town
Haverfordwest
Pembroke, Town
New Radnor

SCOTLAND.

No. 1.

The Members for the Counties of	The Members for the Burghs and Towns of
Orkney	Wick, &c.
Sutherland	Elgin, &c.
Banff	Aberdeen
Elgin and Nairn	Montrose, &c.
Aberdeen	St. Andrew's, &c.
Kincardine	Kirkaldy, &c.
Forfar	Edinburgh
Kinross	Haddington, &c.
Fife	Dundee
Edinburgh	Leith
Selkirk	Inverness, &c.
Haddington	
Berwick	
Caithness	
Roxburgh	

No. 2.

The Members for the Counties of	The Members for the Burghs and Towns of
Ross	Ayr, &c.
Inverness	Perth
Argyle	Stirling, &c.
Perth	Paisley
Stirling	Greenock
Lanark	Falkirk, &c.
Bute	Glasgow
Ayr	Dumfries, &c.
Renfrew	Wigton, &c.
Dumfries	Kilmarnock, &c.
Kirkcudbright	
Wigton	
Dumbarton	
Peebles	
Linlithgow	

IRELAND.

CONNAUGHT.

THE MEMBERS FOR

The County of
- Leitrim
- Sligo
- Mayo
- Roscommon
- Galway

And for
- Sligo, Town
- Galway, Town

LEINSTER.

THE MEMBERS FOR

The County of
- Louth
- Longford
- Meath
- Dublin
- King's County
- Kildare
- Queen's County
- Wicklow
- Carlow
- Kilkenny
- Wexford
- Westmeath

And for
- Drogheda
- Dundalk
- Dublin, City
- Dublin, University
- Portarlington
- Carlow, Town
- Kilkenny, Town
- New Ross
- Wexford, Town
- Athlone

MUNSTER.

THE MEMBERS FOR

The County of
- Clare
- Tipperary
- Limerick
- Kerry
- Cork
- Waterford

And for
- Ennis
- Cashel
- Clonmel
- Limerick, City
- Cork, City
- Tralee
- Bandon Bridge
- Kinsale
- Mallow
- Youghal
- Dungarvon
- Waterford, City

ULSTER.

THE MEMBERS FOR

The County of
- Donegal
- Londonderry
- Antrim
- Tyrone
- Down
- Fermanagh
- Armagh
- Monaghan
- Cavan

And for
- Londonderry
- Coleraine
- Belfast
- Carrickfergus
- Lisburn
- Dungannon
- Downpatrick
- Newry
- Enniskillen
- Armagh, City
- Drogheda

RETURN to an Order of the Honourable The House of Commons,
dated 19 March 1844;—*for*,

A RETURN, showing, in Columns, the NET AMOUNT received Annually from the SALE of PARLIAMENTARY PAPERS, printed by Order of The House of Commons; distinguishing the Amount received for WHOLE SETS of PAPERS, and the Amount for MISCELLANEOUS PAPERS; the said Return to show the Amount in each Year, commencing in 1836, specifying the INCREASE or DECREASE in each Year respectively; and in one Sum, the Total Net Receipt, to the end of 1843:—Also, the Amount paid by the Country in 1836, and each Year since respectively, for PROSECUTIONS for LIBEL, or ACTIONS instituted against The House of Commons through its Officers; stating the Names of the PLAINTIFFS and DEFENDANTS in each Prosecution or Action, with the Names in each case of the Crown Counsel, Solicitors for the Crown, and others employed on the part of The House of Commons, or the Officers of the said House, to defend such Actions, with the Amount charged in Fees, Bills of Costs, and other Law Charges; showing the Sum Total paid by the Country on account of such Prosecutions or Actions during the above Period, so as to balance the Receipt for Parliamentary Papers against the Expenses at Law, in a Debt and Credit Account.

Printing Office,
17 April 1844.

James & Luke James Hansard.

(*Mr. Wallace.*)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1844.

RETURNS 1 & 2, so far as relate to Messrs. Hansard, Printers to The House of Commons.

1.—A RETURN, showing, in Columns, the Net Amount received annually from the Sale of Parliamentary Papers, printed by Order of The House of Commons; distinguishing the Amount received for whole Sets of Papers, and the Amount for Miscellaneous Papers; and showing the Amount in each Year, commencing in 1836, specifying the Increase or Decrease in each Year respectively; and in one Sum, the Total Net Receipt, to the end of the Year 1843.

	£. s. d.
The Total Receipt from the Sale of Parliamentary Papers printed by Order of The House of Commons from 1836 to 1843, is	38,403 2 8½
Deduct, the Expenses of Rent, Salaries to Clerks, &c., of the Three Offices for Sale, at Turnstile, in Abingdon Street, and at the House of Commons, during the eight Years, 1836 to 1843	3,950 4 6½
The Total Net Produce, 1836 to 1843 £.	34,452 18 2

	In 1836.	In 1837.	In 1837–8.	In 1839.	In 1840.	In 1841, 1st and 2d Session.	In 1842.	In 1843.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Amount received for whole Sets	1,721 8 –	1,751 12 –	1,706 6 –	1,676 2 –	1,464 14 –	1,268 8 –	1,162 14 –	1,132 10 –	
Amount received for Miscellaneous Papers Sold	1,099 19 11	2,587 6 7	3,103 10 4½	2,721 4 6	2,704 19 1½	2,339 – 9½	1,837 2 2	1,578 2 3	
Amount received for Parliamentary Papers sold as Waste Paper	264 14 –	449 19 6	355 7 –	3,115 – –	538 17 –	208 12 –	2,009 18 –	1,605 15 6	TOTAL
Amount received annually from the Sale of Parliamentary Papers	3,086 1 11	4,788 18 1	5,165 3 4½	7,512 6 6	4,708 10 1½	3,816 – 9½	5,009 14 2	4,316 7 9	£. s. d. 38,403 2 8½
Increase or Decrease on each Year:									
Increase	– – –	1,702 16 2	376 5 3½	2,347 3 1½	– – –	– – –	1,193 13 4½	—	
Decrease	– – –	– – –	– – –	– – –	2,803 16 4½	892 19 4	– – –	693 6 5	

Note.—The above Return includes the Papers sold which were not printed by Order of The House of Commons, being those which were presented to The House in a printed form by Government Offices. The Return would have been incomplete as to the money annually produced if confined to "The Net Amount received from the Sale of Parliamentary Papers printed by Order of The House of Commons," as required by the precise terms of the Order.

Printing Office, 17 April 1844.

James & Luke James Hansard.

2.—AN ACCOUNT of the Amount paid by the Country in 1836, and each Year since respectively, for Prosecutions for Libel, or Actions instituted against The House of Commons through its Officers; stating the Names of the Plaintiffs and Defendants in each Prosecution or Action, with the Names in each Case of the Crown Counsel, Solicitors for the Crown, and others employed on the part of The House of Commons, or the Officers of the said House, to defend such Actions, with the Amount charged in Fees, Bills of Costs, and other Law Charges.

Stockdale, Plaintiff, *v.* Messrs. Hansard, as Printers and Publishers to The House of Commons, Defendants (Five Actions).

December 8, 1841, Amount received by Messrs. Hansard - - - - - - £. 1,919. 13. 2.

		£. s. d.
	Being for Legal Expenses incurred and paid by Messrs. Hansard; viz.	
In the First Action, 1836–37	To the Solicitors, Messrs. Parkes & Preston	184 12 –
In the Second Action, 1837	To Messrs. Parkes & Preston, the Solicitors	21 6 4
	To the Sheriffs, their demand for the Damages and Costs awarded by the Judgment given on the Trial of the second Action	390 14 –
In the Third Action, 1839–40	To Messrs. Parkes & Preston, the Solicitors	541 17 11
	To the Sheriffs, their demand for the Damages and Costs awarded by the Judgment given on the Trial of the third Action, and for the Expenses attending the Sale of Messrs. Hansard's Goods, in order to enforce the payment of the Damages awarded	683 9 5
	To Mr. Winsland, for preparations for Sale on the Premises	25 – –
	To Mr. R. J. Butt, for Legal Expenses incurred by Mr. Winsland on the Bill of Sale of Messrs. Hansard's goods to himself from the Sheriff of Middlesex	2 2 –
In the Fourth Action, 1840	To Messrs. Parkes & Preston	141 12 3
In the Fifth Action, 1841	To Messrs. Parkes & Preston	43 10 2
		2,034 4 1
	The Expenses were taxed at the Treasury, and the following deduction was made from the Solicitors' Bills on taxation of Costs	114 10 11
	£.	1,919 13 2

	The Names of Crown Counsel.	The Amount paid, charged in Fees.
		£. s. d.
First Action	Attorney-General	23 3 6
	Mr. Crompton	23 3 6
	Mr. Dickinson	2 17 6
	£.	49 4 6
Second Action	Sir W. W. Follett	1 3 6
	Mr. Austin	1 3 6
	£.	2 7 –
Third Action	Attorney-General	62 3 –
	Solicitor-General	24 7 6
	Sir F. Pollock	9 19 –
	Sir W. W. Follett	13 4 6
	Mr. Wightman	11 2 6
	£.	120 16 6
Fourth Action	Attorney-General	9 10 6
	Solicitor-General	11 2 6
	Mr. Wightman	5 15 –
	Mr. Crompton	14 8 –
	£.	40 16 –
Fifth Action	Mr. Wightman	2 4 6
	Mr. Crompton	2 4 6
	£.	4 9 –

Printing Office, 17 April 1844.

James & Luke James Hansard.

3.—RETURN, so far as relates to the Office of the Solicitor for the Affairs of Her Majesty's Treasury.

	Names of Plaintiffs and Defendants.	Names of Counsel for the Crown, or for the Officers of The House.	Solicitors for the Crown, or for the Officers of The House.	Fees, Bills of Costs, and other Law Charges.	£. s. d.
1836	—	—	—	—	—
1837	Stockdale *v.* Hansard	The Attorney-General, Sir J. Campbell The Solicitor-General, Sir R. M. Rolfe, now Mr. Baron Rolfe Sir Frederick Pollock Sir W. W. Follett Mr. Wightman, now Mr. Justice Wightman Mr. Maule, now Mr. Baron Maule	The Solicitor of the Treasury	Fees to Counsel Stationer Petty Disbursements	97 15 – 1 8 – 4 9 4
1838	Same	Same	Same	Fees to Counsel Stationer	459 15 6 6 – –
1839	Same	– – – – –	Same	Short-hand writer Stationer Petty Disbursements	93 4 8 1 6 – 6 3 6
1840	—	—	—	—	—
1841	Stockdale *v.* Hansard	– – – – –	– – – –	Messrs. Hansard, for Bill of Costs [*See the accompanying Return from Messrs. Hansard.*]	1,919 13 6
1842	Howard *v.* Gossett & others	– – – – –	Messrs. Parkes and Preston	Messrs. Parkes and Preston's Bill of Costs	1,087 16 3
1843	Same	– – – – –	Same	Messrs. Parkes and Preston, in discharge of Damages and taxed Costs Ditto for Bill of Costs	290 – – 172 8 7
,,	Howard *v.* Gossett	The Attorney-General, Sir F. Pollock The Solicitor-General, Sir W. W. Follett Mr. Waddington	Solicitor of the Treasury	Fees to Counsel Stationer Petty Disbursements	42 10 6 2 8 3 1 16 –
,,	Howard *v.* Bellamy	Same	Same	Fees to Counsel Stationer	37 – 6 1 5 11
,,	Pearse *v.* Gossett	Same	Same	Fees to Counsel Stationer Petty Disbursements	36 4 6 1 6 6 – 18 6
			Total paid by the Country from 1836 to 1843 inclusive	£.	4,263 11 –

16 April 1844.

Geo. Maule.

	£. s. d.
The Total Net Receipt from the Sale of Parliamentary Papers, from 1836 to 1843, has amounted, according to the Return prepared by Messrs. Hansard, to	34,452 18 2
	£. 34,452 18 2

	£. s. d.
The Amount paid by the Country in the same period for Prosecutions for Libel, or Actions instituted against the House of Commons, through its Officers, has amounted, according to the Return prepared by the Solicitor to the Treasury, to	4,263 11 –
Net Profit to the Public by the Sale of Printed Parliamentary Papers	30,189 7 2
	£. 34,452 18 2

PARLIAMENTARY PAPERS, &c.

RETURN of Receipts from the Sale of Parliamentary Papers, and Costs for Prosecutions or Actions against Officers of The House of Commons.

(*Mr. Wallace.*)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1844.

226.

Under 1 *oz.*

PARLIAMENTARY PAPERS.

RETURN to an Order of the Honourable The House of Commons, dated 29 April 1844;—*for*,

1.—RETURN of the TOTAL EXPENSE incurred for PAPER and for PRINTING the 588 PAPERS for the House of Commons in the Session 1842 (the Charge for Printing BILLS excluded); stating the Title of each Paper, the Name of the Member moving the Paper, the Number of Copies printed, the Number of Sheets of each Paper, and the Charge for the same; with the aggregate Amount for the whole Papers in the Year:

2.—SIMILAR RETURN of the Charge for BILLS included in the 588 Papers printed for the House of Commons:

3.—SIMILAR RETURN of the Charge for REPORTS and PAPERS printed under the Superintendence of the Stationery Office:

4.—SIMILAR RETURN of the Charge for PAPERS presented by Command of HER MAJESTY, and not included in the foregoing.

Ordered, by The House of Commons, *to be Printed*, 21 *June* 1844.

—No. 1.—

RETURN of the TOTAL EXPENSE incurred for PAPER and for PRINTING the 588 PAPERS for the House of Commons, in the Session 1842 (the Charge for printing Bills excluded); stating the Title of each Paper, the Name of the Member moving the Paper, the Number of Copies printed, the Number of Sheets of each Paper, and the Charge for the same; with the aggregate Amount for the whole Papers in the Year.

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Lithographing, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
1.	Exchequer Bills	By Command	1,250	34½	96 7 3	40 3 10	136 11 1
2.	Lunatic Asylums	Lord G. Somerset	1,000	9½	35 19 5	8 4 8	44 4 1
3.	Public Income	Sir G. Clerk	1,000	1	3 8 4	– 17 5	4 5 9
4.	Workhouses (Ireland)	Sir G. Clerk	1,100	1	3 6 9	– 19 2	4 5 11
6.	Private Bills	–	11,000	½	9 2 9	4 15 4	13 18 1
7.	Agriculture and Shipping	By Command	1,500	16	80 19 11	20 17 8	101 17 7
10.	Controverted Elections	–	1,000	½	– 17 7	– 8 9	1 6 4
13.	Flogging	Mr. Tufnell	1,000	½	– 18 10	– 8 8	1 7 6
14.	Army Estimates	–	1,250	23½	125 – 7½	25 11 8	150 12 4
15.	Trade and Navigation	By Command	1,500	2	7 4 5	2 12 –	9 16 5
16.	Navy	By Act	1,150	1½	5 13 9	1 10 3	7 4 –
17.	Navy	Captain Boldero	1,000	½	1 6 10	– 8 8	1 15 6
18. I.	Corn	–	1,250	16	94 18 3	17 8 4	112 6 7
18. II.	Corn	–	1,250	2	9 1 4½	2 3 4	11 4 8
18. III.	Corn	Mr. Gladstone	1,250	½	1 – –	– 10 10	1 10 10
18. I. to III.	Corn	–	250	17½	5 9 7	3 15 10	9 5 5
19.	Corn Exported	Mr. Gladstone	1,250	½	1 5 –	– 10 10	1 15 10
20.	Queen Anne's Bounty	By Act	1,000	½	1 9 10	– 8 8	1 18 6
21.	Canada	By Act	1,000	1½	2 18 4½	1 6 3	4 4 8
22.	Navy Estimates	–	1,250	16	64 8 11	21 2 –	85 10 11
23.	Ordnance Estimates	–	1,250	8½	36 8 4½	10 5 8	46 14 –
26.	Mauritius	By Command	1,250	10	26 7 10½	10 18 4	37 6 3
27.	Exchequer	Colonel Sibthorp	1,000	½	1 1 4	– 8 8	1 10 –
28.	Mint	By Act	1,000	1½	5 14 1½	1 6 –	7 – 1
29.	Bank of England	By Act	1,000	1	2 7 4	– 17 4	3 4 8
30.	Loan Societies	By Act	1,000	3½	19 12 8½	3 – 8	22 13 4
31.	Factories	By Command	1,250	26	88 14 7½	28 11 11	117 6 7
32.	Court of Session	By Act	1,000	½	1 9 4	– 8 8	1 18 –
35.	Manor Courts	Mr. Redington	1,000	3½	14 2 2½	3 – 8	17 2 11
36.	Executions	Mr. Ewart	1,000	½	– 16 10	– 8 8	1 5 6
37.	Non-attendance at Divine Worship	Mr. Milnes	1,000	½	– 16 10	– 8 8	1 5 6
39.	British Museum	–	1,000	2½	6 13 –½	2 4 3	8 17 3
40.	Factories Act	Mr. Brotherton	1,000	5	20 14 9½	4 6 8	25 1 6
42.	East India	Sir G. Larpent	1,150	5	29 17 1½	5 – –	34 17 1
43.	Pensions	By Act	1,000	½	1 1 10	– 8 8	1 10 6
44.	Newspaper Stamps	Dr. Bowring	1,250	6½	25 7 3½	7 1 7	32 8 11
47.	Private Bills	–	1,100	3½	6 1 4½	3 6 10	9 8 2
48.	British and Spanish Commissions	Viscount Sandon	1,000	3	6 13 –	2 12 –	9 5 –
49.	Public Works	Chancellor of Exchequer	1,250	1	2 3 1½	1 1 8	3 4 10
50.	Poor's Rate	Mr. Wodehouse	3	½	– 10 3	– – 1	– 10 4

(*continued*.)

Return of the Expense of Printing, &c. the Sessional Papers (exclusive of Bills) for the House of Commons, in 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Lithographing, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
56.	Ecclesiastical Commission	Printed from the Lords' Presses	1,250	9½	10 4 7	10 5 10	20 10 5
57.	Trade and Navigation	By Command	1,250	1½	4 15 9½	1 12 6	6 8 3
58.	East India	By Act	1,250	10½	24 18 2	11 8 5	36 6 7
59.	Exchequer Bills	Chancellor of Exchequer	1,000	1½	4 13 1½	1 6 –	5 19 2
60.	Court of Bankruptcy	By Act	1,000	½	1 18 4	– 8 8	2 7 –
61.	New Zealand	By Act	1,150	15	35 3 10	15 4 –	50 7 10
62.	Exchequer Bills	Dr. Bowring, Colonel Sibthorp, Sir G. Clerk	1,250	3½	7 18 2½	3 15 10	11 14 –
63.	Gaols	By Act	1,000	63½	218 9 –	57 19 –	276 8 –
64.	Population; Sugar	Mr. Hawes	1,000	2½	8 10 6	2 3 4	10 13 10
65.	Bank Notes, &c.	Mr. Charles Wood	1,000	½	1 5 10	– 8 8	1 14 6
66.	Luggage of Passengers	Mr. Hardy	1,000	1	2 2 10	– 17 4	3 – 2
67.	Corn-Laden Ships	Mr. A. Chapman	1,250	½	– 19 6	– 10 10	1 10 4
68.	Shipping	Mr. G. Palmer	1,000	½	1 5 10	– 8 8	1 14 6
69.	British and Irish Produce	Sir H. Douglas	1,000	½	1 17 4	– 8 8	2 6 –
70.	Metropolis Improvement	Mr. Wason	2	5	45 7 1	2 16 3	48 3 4
71.	Shannon Navigation	–	1,000	6	16 18 11½	5 4 –	22 3 –
73.	Friendly Societies	By Act	1,000	12	67 17 11	10 8 –	78 5 11
74.	Caledonian Canal	Sir G. Clerk	1,250	22	49 – 6	23 16 8	72 17 2
75.	Excise	Mr. Wallace	1,000	2½	4 17 6	2 3 4	7 – 10
76.	Corn, &c.	Mr. Hawes	1,250	½	1 13 –	– 10 10	2 3 10
77.	Distress (Bolton)	Dr. Bowring	1,000	8	15 1 3½	6 18 8	21 19 11
78.	Wheat	Mr. Charles Wood	1,250	12½	82 5 3½	13 10 10	95 16 2
83.	Wheat	Mr. Gladstone	1,250	2	7 12 4½	2 3 4	9 15 8
84.	Debts of Parishes	Mr. Benjamin Wood	1,250	32	138 8 6	34 13 4	173 1 10
85.	Corn-laden Ships	Sir Charles Napier	1,250	½	1 14 –	– 10 10	2 4 10
87.	Polish Refugees	Mr. T. Duncombe	1,000	3½	19 6 8½	3 – 8	22 7 5
88.	Metropolitan Police	By Act	1,000	4½	18 2 1	3 18 –	22 – 1
89.	Rochdale Poor	Mr. Hardy	1,000	2½	6 16 9	2 3 4	9 – 1
90.	Grand Jury Presentments	By Act	1,000	4½	15 14 10	3 18 –	19 12 10
91.	Committals	By Act	1,000	20	89 13 3	17 6 8	106 19 11
92.	Vaccine Institution	Mr. M. Sutton	1,000	½	– 16 10	– 8 8	1 5 6
93.	Army	Mr. O'Connell	1,000	1½	4 13 10½	1 6 –	5 19 10
94.	Algiers	By Command	1,000	½	– 17 4	– 8 8	1 6 –
96.	Herring Fishery	By Act	1,000	6	19 7 11½	5 4 –	24 12 –
102.	Tithes	Mr. M. Sutton	2,000	9	38 12 5	15 12 –	54 4 5
104.	Unfunded Debt	Mr. Wodehouse	1,250	1	1 15 1½	1 1 8	2 16 9
110.	Grain and Flour	Mr. Baring	1,250	1	1 13 1½	1 1 8	2 14 10
111.	Shannon Navigation	Mr. French	1,000	1	2 8 4	– 17 4	3 5 8
112.	Fines (Ireland)	Sir R. Ferguson	1,000	1	2 1 4	– 17 4	2 18 8
113.	Elections	Mr. W. Cowper	1,000	4	16 5 8	3 9 4	19 15 –
118.	Penitentiary (Milbank)	By Act	1,000	1½	3 3 1½	1 6 –	4 9 1
119.	Borough Magistrates	Mr. Hutt	1,000	5	20 7 3½	4 6 8	24 14 –
120.	Court of Chancery	Mr. Pringle	1,000	½	– 18 4	– 8 8	1 7 –
122.	Convicts	–	1,000	½	– 18 4	– 8 8	1 7 –
123.	Exchequer Bills	Sir G. Clerk	1,000	4½	11 5 10	3 18 –	15 3 10
126.	Water Guard (Ireland)	Mr. O'Connell	1,000	½	– 16 10	– 8 8	1 5 6
127.	Charters of Incorporation	By Act	1,000	½	– 16 10	– 8 8	1 5 6
128.	Highland Roads and Bridges	–	1,000	½	– 15 10	– 8 8	1 4 6
129.	Barley and Oats	Mr. Wodehouse	1,250	½	1 1 –	– 10 10	1 11 10
130. I.	Miscellaneous Services	–	1,150	4	11 19 9	4 – 6	16 – 3
130. II.	Ditto	–	1,150	5½	16 13 –½	5 10 7	22 3 8
130. III.	Ditto	–	1,150	6½	29 11 8½	6 10 9	36 2 5
130. IV.	Ditto	–	1,150	3½	9 10 2	3 10 6	13 – 8
130. V.	Ditto	–	1,150	3½	10 10 11	3 10 6	14 1 5
131.	Ditto (Ireland)	–	1,150	6	20 2 4	6 – 9	26 3 1
132.	Miscellaneous Charges (Scotland)	–	1,150	1	2 7 5	1 – 2	3 7 7
133.	Commissariat Estimates	–	1,150	2	5 3 10	2 – 3	7 4 1
134.	Civil Contingencies	–	1,150	4½	11 12 3	4 10 9	16 3 –
135.	Public Income & Expenditure	–	1,150	34½	157 15 –½	37 16 8	195 11 9
136.	Public Offices	By Act	1,000	1	2 18 4	– 17 5	3 15 9
137.	Superannuations	By Act	1,000	12	45 14 11	10 9 3	56 4 2
138.	Public Debt	By Act	1,000	1½	2 19 4½	1 6 –	4 5 4
141.	Workhouses (Ireland)	Sir Edmund Hayes	1,000	3	6 4 –	2 12 –	8 16 –
142.	Ecclesiastical Commission	By Act	1,000	1½	2 15 7½	1 6 –	4 1 8
143.	Customs Duty	Mr. Hutt	1,000	1½	5 18 7½	1 6 –	7 4 7
144.	Legacy, &c. Duties	Mr. Elphinstone	1,000	1	1 17 4	– 17 4	2 14 8
145.	Poor Law Amendment Act	Mr. Escott	1,000	4	13 14 8	3 9 4	17 4 –
146.	Royal Dublin Society	Mr. Redington	1,000	1	1 9 10	– 17 4	2 7 2
149.	Malt	Mr. W. Williams	1,000	½	– 16 10	– 8 8	1 5 6
150.	Mail Steam Packets	Mr. W. O. Stanley	1,000	4½	15 1 4	3 18 –	18 19 4
151.	Revising Barristers	Mr. Wason	1,000	2	7 4 4	1 14 8	8 19 –
152.	Exchequer Bills	Mr. Forster	1,000	1	3 11 10	– 17 4	4 9 2
153.	Jacob Owen	Mr. Wallace	1,000	½	1 8 10	– 8 8	1 17 6
154.	National Debt	By Act	1,000	½	2 3 10	– 8 8	2 12 6
156.	Poor Law	Captain Pechell	1,150	2	7 4 10	2 – 1	9 4 11
157.	Plymouth Breakwater	Viscount Ingestrie	1,000	1	1 15 4	– 17 4	2 12 8
158.	Population of Stockport	Mr. Cobden	1,150	33	82 7 5	32 19 7	115 7 –
159.	Rural Police (Norfolk)	Mr. T. Duncombe	1,000	3½	6 7 5½	3 – 8	9 8 2
163.	Coals, Cinders and Culm	Mr. G. Craig, Mr. H. Hinde, Mr. R. Hodgson	1,150	3½	15 11 2	3 10 1	19 1 3
164.	Mail Conveyance	Lord R. Grosvenor	1,000	7½	12 14 4	6 10 –	19 4 4
165.	Annuities	Mr. Ricardo	1,000	1	2 12 10	– 17 4	3 10 2
166.	Hops, Malt, Brewers	Sir M. Wood, Mr. Pakington	1,250	3½	12 6 2½	3 15 10	16 12 –
167.	Corn-laden Ships	Mr. Wawn	1,250	4½	25 13 8	4 17 6	30 11 2
168.	Glass	Mr. Ord	1,000	2	8 6 4	1 14 8	10 1 –
169.	Imports and Exports	Mr. J. A. Smith	1,000	½	1 4 4	– 8 8	1 13 –

Return of the Expense of Printing, &c. the Sessional Papers (exclusive of Bills) for the House of Commons, in 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Lithographing, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
170.	Barristers (Ireland)	Mr. O'Connell	1,000	1	2 9 10	– 17 4	3 7 2
171.	Jurors (Ireland)	Mr. O'Connell	1,000	5	7 19 9½	4 6 8	12 6 6
172.	Rivers (Ireland)	Mr. C. Powell	1,000	½	– 16 10	– 8 8	1 5 6
173.	Barracks	Major Vivian	1,000	1	4 1 4	– 17 4	4 18 8
174.	Great Marlow Election	–	1,000	95	186 4 6	85 5 –	271 9 6
176.	Sudbury Election	–	1,050	24	44 17 10	21 17 10	66 15 8
177.	Salted Provisions	Mr. Grogan	1,000	1	3 3 4	– 17 4	4 – 8
178.	Poor Law Amendment	Colonel Rolleston	1,000	6	9 6 11½	5 4 –	14 10 11
183.	Exchequer Bills	–	1,000	1	1 18 10	– 17 4	2 16 2
184.	Cheese	Sir P. Egerton	1,100	½	1 18 1½	– 9 7	2 7 9
185.	Cordage and Oakum	Sir H. Douglas	1,000	½	2 – 10	– 8 8	2 9 6
189.	Londonderry Union	Sir R. Ferguson	1,000	15	35 15 5½	13 – –	48 15 5
190.	Outrages (Ireland)	Mr. O'Connell	1,000	5	9 2 3½	4 6 8	13 9 –
191.	Army	By Act	1,000	½	1 1 4	– 8 8	1 10 –
192.	Hill Coolies	By Command	1,250	½	1 – –	– 10 10	1 10 10
196.	James Flanagan	Mr. W. S. O'Brien	1,000	7	12 2 1½	6 1 4	18 3 5
196. II.	James Flanagan	Lord Eliot	1,000	3	5 3 6	2 12 –	7 15 6
197.	Post Office	Mr. Wallace	1,000	5	26 16 –½	4 7 9	31 3 10
198.	Cardigan Election	Mr. W. Patten	1,000	½	– 16 10	– 8 8	1 5 6
199.	Public Revenue	By Act	1,000	1½	7 19 10½	1 6 –	9 5 10
202.	Fire Insurance	Colonel Sibthorp	1,100	2	10 17 7	1 18 3	12 15 10
203.	Window Duty	Captain Pechell	1,000	½	– 17 10	– 8 8	1 6 6
204.	Vessels	Captain Fitzroy	1,000	½	1 19 10	– 8 8	2 8 6
205.	Poor Law Unions	Captain Pechell; Sir J. Graham	1,000	1½	3 12 1½	1 6 –	4 18 2
206.	Coroners' Inquests	Mr. Grogan	1,000	10	55 1 7½	8 13 4	63 14 11
207.	Ipswich Election	–	1,000	68½	123 – 9	62 5 8	185 6 5
208.	Longford Election	–	1,000	5	11 11 3½	4 6 8	15 18 –
216.	Sheriffs Depute	Mr. Fox Maule	1,000	1½	5 4 4½	1 6 2	6 10 6
216.*	Sheriffs Depute	Mr. Fox Maule	1,000	½	– 19 1	– 8 9	1 7 10
217.	Copper, Tin, &c.	Mr. Pendarves; Sir J. Guest	1,100	5	19 11 1½	4 15 5	24 6 7
218.	Caledonian Canal	–	1,050	9	24 11 8	8 8 2	32 19 10
222.	Woods and Forests	Mr. French	1,000	½	1 8 10	– 8 8	1 17 6
223.	Fines and Recoveries	Sir J. Graham	1,000	5	11 9 9½	4 6 8	15 16 5
224.	Valuation (Ireland)	Sir Robert Ferguson	1,000	2	7 2 4	1 14 11	8 17 3
225.	Grain and Malt	Mr. Wodehouse	1,000	1	2 15 10	– 17 4	3 13 2
226.	Shannon Navigation	Mr. Baldwin; Mr. W. R. O. Gore	1,000	½	1 12 10	– 8 8	2 1 6
227.	Taxes in Europe	Dr. Bowring	1,000	8½	26 13 3	7 8 3	34 1 6
230.	Merchant Seamen	By Act	1,000	1½	5 14 1½	1 6 –	7 – 2
231.	Emigration, &c.	Mr. W. S. O'Brien	1,100	4	21 9 11½	3 16 4	25 6 3
232.	Poor Law (Liverpool)	Viscount Sandon	1,000	4	6 16 8	3 9 4	10 6 –
233.	Births and Deaths	Lord Ashley	1,000	1	4 – 4	– 17 4	4 17 8
235.	Real Property	Mr. W. S. O'Brien	1,000	½	1 18 10	– 8 8	2 7 6
236.	Duchies of Cornwall & Lancaster	by Act	1,000	11	25 18 9½	9 10 8	35 9 6
237.	Sheep and Lambs' Wool	Mr. S. Wortley	1,000	1	3 9 4	– 17 4	4 6 8
238.	Spirits	Mr. Pringle	1,000	½	2 – 4	– 8 8	2 9 –
239.	Southampton Election	–	1,000	55	98 13 2	49 14 4	148 7 6
240.	Penryn and Falmouth ditto	–	1,000	21	36 4 4½	18 4 –	54 8 4
245.	Friendly Societies	Mr. B. Baldwin	1,000	⅓	– 16 10	– 8 8	1 5 6
246.	Drainage (Ireland)	–	1,000	1⅓	2 16 1½	1 6 –	4 2 2
248.	Dublin Coalmeters	Mr. Grogan	1,000	4½	9 7 10	3 18 –	13 5 10
249.	Navy (Civil Situations)	Sir C. Napier	1,000	3½	11 11 2½	3 – 8	14 11 10
250.	Newcastle-under-Lyne Election	–	1,000	35½	61 15 1½	30 15 4	92 10 6
251.	Lighting the House	–	1,000	9½	26 7 1	8 9 –	34 16 1
256.	Half-pay, &c.	Mr. Hume	1,000	¼	2 – 10	– 8 8	2 9 6
257.	Newspaper Stamps	Dr. Bowring	1,250	3	10 6 4½	3 5 3	13 11 7
258.	Ships	Mr. Liddell	1,000	½	1 13 4	– 8 8	2 2 –
259.	Shipping	Mr. G. Palmer	1,000	1	3 15 10	– 17 4	4 13 2
262.	Customs Duties	Mr. Edward Buller	1,000	3½	21 7 2½	3 – 8	24 7 11
263.	Provisions (Navy)	Mr. C. Wood; Major Vivian	1,000	½	1 9 10	– 8 8	1 18 6
267.	Education (Ireland)	By Act	1,000	1	1 11 4	– 17 4	2 8 8
268.	Brevet Promotions	Mr. Hume	1,000	⅕	2 3 10	– 8 8	2 12 6
269.	Donegal County Treasurer	Viscount Clements	1,000	½	1 – 10	– 8 8	1 9 6
271.	Cork County Election	–	1,000	54½	136 19 2½	49 10 –	186 9 2
274.	Poor Law (Ireland)	Sir Robert Ferguson	1,000	3½	6 1 2½	3 – 8	9 1 11
275.	Hop Excisemen	Mr. Barneby	1,000	½	2 12 4	– 8 8	3 1 –
276.	Lighthouses	By Act	1,000	1½	5 11 1½	1 6 –	6 17 1
277.	Strabane Union	Lord C. Hamilton	1,000	2	3 14 4	1 14 8	5 9 –
278.	Poor Law Amendment	Sir J. Graham	1,000	1	1 14 4	– 17 4	2 11 8
279.	Revenue Taxation, &c.	Sir W. Clay	1,000	6	31 2 11½	5 4 8	36 7 8
280.	Savings Banks, &c.	Mr. Hume	1,000	1	2 2 4	– 17 4	2 19 8
284.	Handloom Weavers	–	1,000	1	1 11 10	– 17 4	2 9 2
285.	Lyme Regis Election	–	1,000	81½	152 9 2	73 11 –	226 – 2
287.	Timber Duties	Sir H. Douglas	1,000	7	20 – 8½	6 2 9	26 3 5
288.	Post Office	Sir G. Clerk	1,150	1½	5 6 6	1 10 3	6 16 9
289.	Africans	Sir H. Douglas	1,000	½	1 5 10	– 8 8	1 14 6
290.	Paper Duties	Mr. W. S. O'Brien	1,000	1	3 – 10	– 17 4	3 18 2
291.	Savings Banks	Mr. Childers	1,000	½	1 9 4	– 8 8	1 18 –
292.	Easingwold Union	Mr. Ferrand	1,000	4	7 14 8	3 9 4	11 4 –
293.	West India Produce	Mr. Pakington	1,100	½	2 12 1½	– 9 7	3 1 9
294.	Sweets or Made Wines	Mr. Masterman	1,000	1	4 11 4	– 17 4	5 8 8
295.	Spirits (Ireland)	Sir R. Ferguson	1,000	½	1 4 4	– 8 8	1 13 –
296.	Raw and Waste Silk	Mr. M. Attwood	1,000	½	2 3 10	– 8 8	2 12 6
297.	County Treasurers	–	1,000	½	– 18 4	– 8 8	1 7 –
299.	Syria	By Command	1,100	½	– 17 1½	– 9 7	1 6 9
300.	Yeomanry	Mr. Clive	1,000	1	3 4 10	– 17 4	4 2 2
301.	Emigration	Mr. W. S. O'Brien	1,100	140	549 17 –	140 10 1	690 7 1
302.	Municipal Boroughs	By Act	1,000	12½	38 5 10½	10 16 8	49 2 6

(*continued.*)

Return of the Expense of Printing, &c. the Sessional Papers (exclusive of Bills) for the House of Commons, in 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Lithographing, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
303.	Shannon Navigation	Mr. French	1,000	½	– 17 10	– 8 8	1 6 6
304.	Police Reward Fund	Viscount Clements	1,000	1½	4 10 10½	1 6 –	5 16 11
305.	Taxes, &c.	Mr. J. O'Connell	1,000	9½	43 4 8	8 6 4	51 11 –
306.	Spirits, Wine and Silk	Dr. Bowring	1,000	½	1 16 4	– 8 8	2 5 –
307.	Pensions	Mr. Hume	1,000	4	14 8 8	3 9 9	17 18 5
308.	Ecclesiastical Establishments	Mr. Hume	1,000	½	1 16 10	– 8 8	2 5 6
309.	Straw Plait	Mr. Barneby	1,000	½	– 19 4	– 8 8	1 8 –
310.	Public Expenditure	Mr. W. Williams	1,000	3	17 8 6	2 12 8	20 1 2
311.	Spirits and Foreign Wines	Mr. J Hodgson Mr. Thompson	1,100	1½	6 17 9	1 8 8	8 6 5
312.	Navy (Civil Situations)	Sir C. Napier	1,000	½	1 16 4	– 8 8	2 5 –
314.	Naval Receipt & Expenditure	Mr. Hume	1,000	1½	5 15 1½	1 6 2	7 1 3
317.	Liverpool Packets	Mr. P. Williams	1,000	3	10 5 –	2 12 –	12 17 –
319.	East India Company	By Act	1,150	3	7 14 4	3 – 1	10 14 5
320.	East India	Mr. M. Attwood	1,150	½	1 19 9½	– 10 1	2 9 11
321.	China	Mr. D'Israeli	1,150	½	– 18 3½	– 10 1	1 8 4
322.	Rural Police	Mr. Burroughes	1,000	½	1 1 10	– 8 8	1 10 6
323.	Jacob Owen, Esq.	Mr. Wallace	1,000	1½	3 9 1½	1 6 –	4 15 2
324.	Hundred of Babergh	Mr. Blackstone	1,000	½	1 5 10	– 8 8	1 14 6
325.	Constabulary (Ireland)	By Act	1,000	½	5 10 4½	1 6 –	6 16 4
327.	Health of Towns	– – – –	1,250	67½	300 8 6	79 15 4	380 3 10
329.	Railways	Sir R H. Inglis	1,100	3	5 17 9	2 17 4	8 15 1
330.	Wages	Mr. Ferrand	1,000	½	– 18 10	– 8 8	1 7 6
331.	Lighthouses	By Act	1,000	½	1 18 10	– 8 8	2 7 6
332.	Electors (Sudbury)	Mr. Blackstone	1,000	½	– 16 10	– 8 8	1 5 6
333.	Bonded Corn	– – – –	1,000	24	73 12 3	21 7 8	94 19 11
335.	China	By Command	1,250	½	1 1 10	– 11 –	1 12 10
336.	Canada	By Command	1,200	½	1 1 2	– 10 7	1 11 9
337.	Charitable Institutions	Lord Eliot	1,150	39½	117 17 2	39 9 6	157 6 8
338.	Spirit Trade	– – – –	1,150	17½	52 10 4	18 – 9	70 11 1
340.	Newspaper Stamps	Mr. W. S. O'Brien	1,000	1	2 14 4	– 17 5	3 11 9
341.	Ionian States	Lord Charles Fitzroy	1,000	½	1 4 10	– 8 8	1 13 6
342.	Soap	Mr. Hawes	1,000	1	3 15 4	– 17 4	4 12 8
343.	Depwade Union	Mr. Burroughes	1,150	1	1 12 11	1 – –	2 12 11
344.	Tithe Commission	Mr. Hume	1,000	½	– 18 4	– 8 8	1 7 –
345.	Rural Police	Mr. Williams	1,000	6½	23 4 11	5 12 8	28 17 7
346.	Corn	By Command	1,000	½	2 – 4	– 8 8	2 9 –
347.	Keighley Union	Sir J. Graham	1,000	1	1 16 4	– 17 4	2 13 8
348.	Terminable Annuities	Mr. Hume	1,000	½	1 4 4	– 8 8	1 13 –
349.	Exports (Colonies)	Sir H. Douglas	1,000	½	1 9 4	– 8 8	1 18 –
353.	Castlederg Union	Sir R. Ferguson	1,000	16	37 11 11	13 17 4	51 9 3
354.	Crown Counsel (Scotland)	Mr. Wallace	1,000	½	1 9 4	– 8 8	1 18 –
359.	Keighley Union	Mr. Ferrand	1,000	½	– 18 4	– 8 8	1 7 –
361.	Discharged Prisoners	Colonel Wood	1,000	1	1 19 10	– 17 4	2 17 2
362.	Newfoundland	By Command	1,000	4	15 19 –½	3 10 10	19 9 10
366.	Samuel Gordon	Mr. T. Duncombe	1,000	1½	2 8 10½	1 6 –	3 14 10
372.	Buildings Regulation	– – – –	1,250	43½	224 8 –	57 19 5	282 7 5
373.	Post Office Communication	– – – –	1,250	104	569 17 6	126 12 6	696 10 –
376.	Lowtherstown Union	Captain Archdall Sir A. Brooke	1,150	19	68 8 8½	20 18 5	89 7 2
377.	Monies in the Exchequer	Sir G. Clerk	1,000	½	– 16 10	– 8 8	1 5 6
378.	Printing and Stationery	Mr. Hume	1,000	1½	5 5 10½	1 6 –	6 11 10
381.	Gold Coin	Mr. Hume	1,000	½	– 16 10	– 8 8	1 5 6
383.	Working Classes	Mr. Hume	1,000	½	– 18 10	– 8 8	1 7 6
384.	Letters of Marque	Mr. Barclay	1,000	1	1 14 4	– 17 4	2 11 8
385.	Slave Trade	Mr. S. Wortley Captain Pechell	1,000	4½	18 8 10	3 18 –	22 6 10
386.	London and Dublin Communication	Mr. P. Williams	1,000	½	– 18 10	– 8 8	1 7 6
387.	Malt Drawback	Mr. J. Scott	1,000	½	– 16 10	– 8 8	1 5 6
388.	Metropolis Roads	By Act	1,000	2	4 16 4	1 14 8	6 11 –
389.	Charitable Institutions	Lord Eliot	1,100	4	9 19 11½	3 16 4	13 16 4
390.	East India Company	Mr. Blewitt	1,150	½	1 10 9½	– 10 1	2 – 10
392.	Members	– – – –	1,000	1	1 18 4	– 17 4	2 15 8
393.	Poor Law Amendment	Sir J. Graham	1,000	2½	6 19 3	2 3 4	9 2 7
394.	British and Irish Fisheries	Mr. E. B. Roche	1,000	1½	4 2 7½	1 6 2	5 8 10
395.	Deficiency Bills	Mr. Hume	1,000	½	1 6 10	– 8 8	1 15 6
396.	Highland Roads and Bridges	Mr. E. Ellice	1,000	½	1 3 10	– 8 8	1 12 6
397.	Pensions (Civil List)	By Act	1,000	½	1 2 1	– 8 9	1 10 10
400.	East India	By Act	1,150	5½	27 13 9½	5 10 –	33 3 9
401.	Public Records	Mr. Protheroe	1,000	4½	13 6 7	3 18 –	17 4 7
403.	Fisheries (Ireland)	Sir D. Norreys	1,000	6	13 16 11½	5 4 –	19 1 –
407.	Foreign Ship Biscuit	Mr. Geo. Palmer	1,000	½	– 17 10	– 8 8	1 6 6
408.	New South Wales	Sir G. Clerk	1,000	3	8 15 7½	2 13 5	11 9 1
409.	Shipping	Mr. Wawn	1,000	2½	8 9 3	2 3 4	10 12 7
410.	Public Income & Expenditure	Mr. Hume	1,000	2	8 5 4	1 14 11	10 – 3
411.	Mexico	Mr. D'Israeli	1,000	2	7 3 4	1 14 8	8 18 –
412.	Newspaper Stamps	Mr. Brotherton	1,000	½	– 18 4	– 8 8	1 7 –
413.	Malt	Mr. Edw. Buller	1,000	½	– 17 10	– 8 8	1 6 6
414.	Wheat	Mr. Chas. Wood	1,000	½	1 8 4	– 8 8	1 17 –
422.	Settle Union	Mr. Ferrand	1,000	3	4 19 6	2 12 –	7 11 6
424.	Militia Estimates	– – – –	1,150	2½	7 12 8½	2 10 –	10 2 8
425.	Navy	Mr. Hume	1,000	1	3 – 4	– 17 4	3 17 8
426.	Slave Trade Commission	Mr. Hume	1,000	2	6 16 4	1 14 11	8 11 3
427.	Police Superannuation Fund	Viscount Clements	1,000	1	3 6 10	– 17 4	4 4 2
428.	Court of Session	Mr. Wallace	1,000	2	6 6 4	1 14 8	8 1 –
429.	Dramatic Entertainments	Viscount Mahon	1,000	1	1 14 4	– 17 4	2 11 8
430.	Miscellaneous Services	– – – –	1,150	1½	3 5 –	1 10 5	4 15 5
431.	Belfast Election	– – – –	1,000	38½	103 8 5½	36 6 4	139 14 10
434.	County Treasurers	Mr. W. Miles	1,250	3½	23 9 7	3 16 3	27 5 10
435.	Cork Foundling Hospital	Sir D. Norreys	1,000	1	3 3 10	– 17 4	4 1 2

Return of the Expense of Printing, &c. the Sessional Papers (exclusive of Bills) for the House of Commons, in 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Lithographing, Binding, &c. £. s. d.	Cost of PAPER. £. s. d.	TOTAL. £. s. d.
442.	Education	By Command, printed from the Lords' Presses	1,250	76	83 4 8	95 6 2	178 10 10
443.	Church Patronage, Scotland	Mr. Wallace	1,000	1	4 5 4	– 17 4	5 2 8
444.	Dover Harbour	Mr. Rice	1,000	½	– 18 10	– 8 8	1 7 6
448.	Trinity House	Mr. Hume	1,000	7	27 7 1½	6 1 4	33 8 5
449.	Commissions	Colonel Sibthorp	1,000	4½	15 11 1	3 18 6	19 9 7
450.	Probates and Administrations	Colonel Sibthorp	1,000	1½	5 – 7½	1 6 –	6 6 8
451.	Mates (Royal Navy)	Captain Pechell	1,000	2	6 2 4	1 14 8	7 17 –
452.	Keighley Union	– – –	1,250	30½	105 15 4	35 2 –	140 17 4
454.	Lunatic Asylums	Sir R. Ferguson	1,000	4	10 16 8	3 9 4	14 6 –
455.	Foreign Sugar	Mr. Thorneley	1,000	¼	– 17 10	– 8 8	1 6 6
456.	Samuel Holberry	Mr. T. Duncombe	1,000	½	1 – 10	– 8 8	1 9 6
457.	Southampton Election	– – –	1,000	79½	216 15 9½	73 10 5	290 6 2
458.	Election Proceedings	– – –	1,250	47	167 10 7½	54 13 4	222 4 –
464.	Army Prize Money	By Act	1,000	½	– 15 10	– 8 8	1 4 6
465.	South Australia	By Command	1,100	½	– 17 1½	– 9 7	1 6 8
467.	Bolton, &c. Police	– – –	3	1	2 17 6	– – 1	2 17 7
467.	London Corporation	By Act	1,000	3	6 13 –	2 12 –	9 5 –
468.	Lunatics	By Act	1,000	¼	– 18 4	– 8 8	1 7 –
469.	New Churches	By Act	1,000	½	– 17 4	– 8 8	1 6 –
470.	Parish Constables	– – –	1,000	1	1 15 4	– 17 4	2 12 8
471.	Payment of Wages	– – –	1,000	54½	210 12 5½	51 11 3	262 3 9
475.	Caledonian Canal	By Act	1,000	10½	40 4 9½	9 2 –	49 6 9
476.	Courts of Law and Equity	– – –	1,250	38½	173 9 –	48 13 11	222 2 11
478.	Newfoundland	Lord Stanley	1,000	½	– 16 10	– 8 8	1 5 6
479.	West India Colonies	– – –	1,500	220	893 12 10	298 19 10	1,192 12 8
487.	China and India	By Command	1,250	1	2 6 1½	1 1 9	3 7 11
490.	Ordnance Fees	Mr. Hume	1,000	½	– 17 10	– 8 8	1 6 6
491.	Sheriff of Lanark	Mr. Fox Maule	1,000	6	14 11 11½	5 4 –	19 15 11
492.	Education	By Command	1,100	½	– 18 10½	– 9 8	1 8 7
493.	New Zealand	Mr. Aglionby	1,000	½	1 – 1	– 8 9	1 8 10
494.	Niger Expedition	Mr. Ewart	1,000	½	– 17 10	– 8 8	1 6 6
495.	Canada	Mr. Hawes	1,000	2½	5 8 –	2 3 8	7 11 8
500.	Copyholds	By Act	1,500	½	1 1 6	– 13 –	1 14 6
506.	Prince Edward Island	Mr. Hume	1,000	12	38 15 2	10 10 2	49 5 4
508.	Crown Solicitors	Sir G. Clerk	1,000	1	2 1 4	– 17 4	2 18 8
509.	Gold and Silver Coin	Mr. Hume	1,000	½	1 6 10	– 8 8	1 15 6
510.	Exchequer Bills	Mr. Forster	1,000	1	4 19 4	– 17 5	5 16 9
511.	Wheat, &c.	Mr. Cobden	1,000	½	1 – 4	– 8 8	1 9 –
513.	Standing Orders' Revision	– – –	1,000	11	58 3 4½	23 18 3	82 1 7
516.	Ipswich Election	– – –	1,000	48	87 1 6½	43 13 –	130 14 7
518.	Controverted Elections	– – –	1,000	½	– 15 10	– 8 8	1 4 6
522.	Salmon Fisheries	Brought from the Lords	1,000	7½	13 12 7	6 10 –	20 2 7
523.	Sittings of the House	Mr. Hume	1,000	¼	1 8 10	– 8 8	1 17 6
524.	Justices of the Peace	Mr. Brotherton	1,000	7	15 1 1½	6 1 4	21 2 5
525.	Keighley Union	Mr. Ferrand	1,000	7	17 – 7½	6 1 4	23 2 –
526.	Coal Mines	– – –	1,000	1	2 16 4	– 17 4	3 13 8
527.	Jacob Owen, Esq.	Mr. Wallace	1,000	½	1 – 10	– 8 8	1 9 6
528.	Turnpike Trusts	By Act, printed from the Lords' Presses	1,000	37½	33 18 5	35 9 9	69 8 2
530.	Standing Orders	– – –	1,000	14½	28 3 9	13 6 11	41 10 8
536.	Ventilation of the Houses of Parliament	– – –	1,000	4½	13 15 5	4 1 1	17 16 6
537.	Lagan Navigation	– – –	1,000	1½	2 16 7½	1 6 2	4 2 9
539.	Slave Vessels	Captain Pechell	1,000	2½	9 9 3	2 3 8	11 12 11
540.	Canada	Mr. Hume	1,000	1½	4 1 7½	1 6 2	5 7 10
541.	Tobacco	Mr. J. Dundas	1,250	½	1 3 –	– 10 10	1 13 10
542.	University of London	Mr. G. W. Wood	1,000	5	8 8 3½	4 6 8	12 14 11
543.	Schools (Scotland)	By Act	1,000	¼	– 18 4	– 8 8	1 7 –
544.	Chiltern Hundreds	Viscount Palmerston	1,000	½	– 17 4	– 8 8	1 6 –
545.	Dundalk Union	Mr. Redington	1,000	4½	8 1 10	3 18 –	11 19 10
547.	Hudson Bay Company	Mr. Hume	1,150	8½	25 5 1	8 10 10	33 15 11
548.	Election Petitions	– – –	1,000	18½	40 – 7	16 – 8	56 1 3
549.	Newcastle-under-Lyne Election	– – –	1,000	5	9 – 9½	4 6 8	13 7 6
551.I.	West Coast of Africa	– – –	1,250	192½	772 18 10	237 12 10	1,010 11 8
551.II.	Ditto	– – –	1,250	161	1,038 14 2	193 15 7	1,232 9 9
552.	London and Dublin Communication	Mr. W. O. Gore	1,000	4½	32 – 10	5 18 –	37 18 10
553.	Private Bills	Mr. Estcourt	1,000	2	15 15 4	1 14 8	17 10 –
556.	Redundant List	Sir G. Clerk	1,000	2	6 17 4	1 14 11	8 12 3
557.	Steam and Sailing Packets	Mr. Hume	1,000	1	3 – 4	– 17 4	3 17 8
558.	Post-office	Sir C. Lemon	1,000	½	1 17 1	– 8 9	2 5 10
559.	Monuments	Mr. B. Wall	1,000	½	1 7 7	– 8 9	1 16 4
560.	Officers of Stamps and Taxes	Mr. T. Duncombe	1,000	1½	6 6 10½	1 6 2	7 13 –
561.	lave Vessels	Mr. S. Wortley Lord Ashley	1,000	3	14 10 6	2 12 –	17 2 6
562.	Foreign Corn	Mr. Gladstone	1,250	27½	127 11 1½	29 15 10	157 6 11
563.	Corn Laws	Mr. Brotherton	1,000	3½	9 12 8½	3 – 8	12 13 5
564.	Parish Vestries	Mr. Mackinnon	1,000	1	1 10 4	– 17 4	2 7 8
565.	Tithes Commutation	Mr. M. Sutton	2,000	8	35 17 7	13 18 2	49 15 9
566.	County Lunatic Asylums	Lord G. Somerset	1,000	71½	461 7 2	65 4 11	526 12 1
567.	Colonial Land and Emigration	By Command	1,250	5½	15 12 9½	6 1 3	21 14 –
568.	New Zealand	Mr. Aglionby	1,000	2	7 – 4	1 14 8	8 15 –
569.	New Zealand	Mr. Wallace	1,150	54	336 14 1	81 14 11	418 9 –
570.	Clerks of Assize	Mr. Roebuck	1,000	18	77 7 11	15 13 11	93 1 10
571.	Convicted Prisoners	Mr. T. Duncombe	1,000	2	5 10 4	1 14 11	7 5 3
572.	London and Holyhead Road	By Act	1,000	3½	9 9 8½	3 – 8	12 10 5
573.	Woods, Forests and Land Revenues	By Act	1,100	20½	104 7 1½	21 2 6	125 9 7
574.	East India	Mr. D'Israeli Mr. Hume	1,150	5	29 2 7½	5 – –	34 2 8

(*continued.*)

Return of the Expense of Printing, &c. the Sessional Papers (exclusive of Bills) for the House of Commons, in 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Lithographing, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
575.	East India	Mr. Hume	1,150	½	– 18 3½	– 10 1	1 8 4
576.	Navarino	Mr. Hume	1,000	½	1 3 4	– 8 8	1 12 –
577.	Distress	Mr. Wallace	1,000	2	10 4 4	1 14 8	11 19 –
578.	Pensions (Ireland)	Mr. Bellew	1,000	2	8 13 4	1 14 8	10 8 –
579.	Newspaper Stamps	Dr. Bowring	1,250	3	10 7 10½	3 5 4	13 13 3
580.	Public Debt	Mr. Wallace	1,000	1½	5 2 4½	1 6 2	6 8 6
580. II.	Public Debt	Mr. Wallace	1,000	½	1 5 1	– 8 9	1 13 10
581.	Property Tax	Mr. T. Duncombe	1,000	½	1 – 4	– 8 8	1 9 –
582.	New Churches	By Command	1,100	2½	7 13 4½	2 7 9	10 1 2
583.	New Zealand	Mr. Aglionby	1,000	1½	6 5 11½	1 14 9	8 – 9
583.+	New Zealand	Mr. Aglionby	1,000	½			
584.	South Australia	Mr. Hume	1,000	½	1 17 10	– 8 8	2 6 6
585.	East India	By Act	1,150	160	398 13 4½	163 5 3	561 18 7
586.	Haslar Lunatic Asylum	Captain Pechell	1,000	1½	5 10 4½	1 6 –	6 16 5
587.	Public Bills	Viscount Palmerston	1,000	1½	4 17 7½	1 6 –	6 3 7
588.	Sittings of the House	Mr. Brotherton	1,000	½	1 14 4	– 8 8	2 3 –
			TOTAL £.		12,479 7 6	3,716 19 7	16,196 7 1

Stationery Office,
14 June 1844.

J. R. M^c Culloch,
Comptroller.

— No. 2. —

RETURN of the TOTAL EXPENSE incurred for PAPER and for Printing the BILLS included in the 588 Papers printed for the House of Commons in the Session 1842; stating the Title of each Bill, the Name of the Member moving the Bill, the Number of Copies printed, the Number of Sheets of each Bill, and the Charge for the same; with the aggregate Amount for the whole Bills in the Year.

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
5.	Appropriation Acts	Chancellor of Exchequer Sir George Clerk	1,000	1	1 16 7	1 1 6	2 18 1
8.	Designs Copyright	Mr. E. Tennent Mr. Gladstone	1,250	3	6 3 1½	3 19 7	10 2 9
9.	Copyright Registration	Mr. Godson Mr. B. Hughes	1,250	1½	3 2 9½	1 19 10	5 2 8
11.	Railways	Mr. Gladstone Mr. M. Sutton Sir T. Fremantle	1,500	2½	5 10 –	3 19 1	9 9 1
12.	Loan Societies	Mr. M. Sutton Attorney-general	1,150	½	1 2 9½	– 12 4	1 15 1
24.	Municipal Corporations	Attorney-general Solicitor-general Mr. Jervis	1,250	1	1 19 4½	1 6 7	3 5 11
25.	Duchy of Cornwall	Mr. Pemberton Attorney-general Solicitor-general	1,050	1½	3 1 3	1 13 11	4 15 2
33.	Buildings' Regulation	From the Lords	1,250	8	16 17 8	10 11 7	27 9 3
34.	Boroughs' Improvement	From the Lords	1,250	6½	12 18 4	8 11 11	21 10 3
38.	Regulation of Apprentices	Sir J. Graham Attorney-general Solicitor-general	1,150	½	1 6 9½	– 12 4	1 19 2
41.	Queen's Prison	Sir J. Graham Attorney-general Solicitor-general	1,250	2½	11 2 7½	3 7 2	14 9 9
45.	Colonial Passengers	Lord Stanley Mr. G. W. Hope Mr. Gladstone	1,250	6	19 2 6	8 – 11	27 3 5
46.	Van Diemen's Land	Mr. G. W. Hope Lord Stanley	1,250	1	2 5 4½	1 6 7	3 12 –
51.	Marriages (Ireland)	Lord Eliot Solicitor-general for Ireland	1,250	½	1 5 –	– 13 3	1 18 3
52.	Buildings' Regulation, No. 2	Mr. Fox Maule Mr. Tufnell Lord Ashley	1,750	8	19 10 10	14 13 9	34 4 7
53.	Borough Improvement, No. 2	Mr. Fox Maule Mr. Tufnell Lord Ashley	1,500	6½	13 19 2½	10 5 7	24 4 10
54.	West India Clergy	Lord Stanley Mr. Gladstone Mr. G. W. Hope	1,250	1½	3 2 3½	1 19 10	5 2 1
55.	Parish Property	Sir E. Knatchbull Sir J. Graham	1,250	2	4 – 1½	2 13 –	6 13 2
72.	Rivers (Ireland)	Lord Eliot Solicitor-general for Ireland	1,250	1½	3 2 3½	1 19 10	5 2 1
79.	Copyright	Viscount Mahon Sir R. H. Inglis Mr. Gladstone Mr. C. Howard	1,250	4½	9 6 11½	5 19 4	15 6 4
80.	Corn	Mr. Greene Sir R. Peel Mr. Gladstone	1,500	7	25 6 –	11 3 11	36 9 11
81.	Forged Exchequer Bills	Chancellor of Exchequer Sir G. Clerk	1,250	1½	3 8 3½	1 19 10	5 8 1

Return of the Expense of Printing, &c. the Bills for the House of Commons included among Sessional Papers, 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
82.	Newgate (Dublin)	Lord Eliot; Solicitor-general for Ireland	1,250	1	1 19 4½	1 19 4	3 18 9
86.	Salmon Fisheries	Mr. H. Drummond; Mr. C. Hope; Mr. C. Bruce	1,250	½	1 3 –	– 13 4	1 16 4
95.	Railways	Mr. Gladstone; Mr. M. Sutton; Sir T. Fremantle	1,500	2½	4 12 7½	3 19 4	8 11 11
97.	Queen's Prison	Sir J. Graham; Attorney-general; Solicitor-general	1,250	3	4 19 4½	3 19 3	8 18 8
98.	Forged Exchequer Bills	Chancellor of Exchequer; Sir G. Clerk	1,250	1½	2 9 9½	1 19 9	4 9 6
99.	Rivers (Ireland)	Lord Eliot; Solicitor-general for Ireland	1,250	1½	2 11 9½	1 19 9	4 11 7
100.	Public Works	Mr. Greene; Chancellor of Exchequer; Sir G. Clerk	1,250	5	9 18 3½	6 12 8	16 10 11
101.	Spirit Duties	Mr. Greene; Chancellor of Exchequer; Sir R. Peel	1,250	1½	3 2 3½	1 19 10	5 2 2
103.	Special Petty Sessions	Mr. G. Bankes; Mr. Estcourt	1,250	2	4 9 1½	2 13 –	7 2 1
105.	Victoria Park	Earl of Lincoln; Sir T. Fremantle	1,250	8½	18 6 –½	11 5 4	29 11 4
106.	Dublin Police	Lord Eliot; Solicitor-general for Ireland	1,250	8	15 19 8	10 12 1	26 11 9
107.	Knightsbridge and Kensington Openings	Earl of Lincoln; Sir T. Fremantle	1,250	8	16 6 8	10 12 1	26 18 9
108.	Bonded Corn	Mr. Hutt; Mr. Gill	1,250	½	1 3 –	– 13 3	1 16 3
109.	Public-houses	Mr. Greene; Captain Rous	1,500	1	2 4 2	1 11 8	3 15 10
114.	Lunatic Asylums	Lord G. Somerset; Lord Ashley	1,250	3	6 3 7½	3 19 8	10 3 4
115.	Parish Property	Sir E. Knatchbull; Sir J. Graham	1,250	1½	2 9 9½	1 19 9	4 9 6
116.	Colonial Passengers	Lord Stanley; Mr. G. W. Hope; Mr. Gladstone	1,250	6½	15 3 4	8 13 1	23 16 5
117.	Sheriff Clerks	Lord Advocate; Mr. Pringle	1,100	1	1 19 –	1 3 8	3 2 8
121.	Rivers (Ireland)	Lord Eliot; Solicitor-general for Ireland	1,250	2	4 3 10½	2 12 11	6 16 10
124.	Australia and New Zealand	Lord Stanley; Mr. G. W. Hope	1,250	2½	6 13 9	3 6 4	10 – 1
125.	Drainage (Ireland)	Lord Eliot; Solicitor-general for Ireland	1,250	18	39 – 6	23 17 3	62 17 9
139.	Copyright	Viscount Mahon; Sir R. H. Inglis; Mr. Gladstone; Mr. C. Howard	1,250	4½	7 16 11½	5 19 1	13 16 1
140.	Barristers	Sir V. Blake; Sir T. Wilde; Lord M. Hill	1,250	1	2 – 4½	1 6 8	3 7 –
147.	Timber Ships	Mr. Gladstone; Mr. Greene; Sir G. Clerk	1,150	1	1 19 8	1 4 8	3 4 4
148.	Fisheries (Ireland)	Lord Eliot; Solicitor-general for Ireland	1,250	10½	27 8 11½	13 18 5	41 7 4
155.	Turnpike Roads	Mr. M. Sutton; Sir J. Graham	2,000	4	10 2 –	6 6 6	16 8 6
160.	Dean Forest Poor	Earl of Lincoln; Sir T. Fremantle	1,100	1½	3 1 6	1 15 4	4 16 10
161.	Dean Forest, Ecclesiastical Districts	Earl of Lincoln; Sir T. Fremantle	1,100	2	3 19 4	2 12 1	6 11 5
162.	St. Briavel's, Small Debts	Earl of Lincoln; Sir T. Fremantle	1,050	8	16 5 1½	8 19 10	25 4 11
175.	Church Patronage	Mr. A. Campbell; Mr. Plumptre	1,250	1	1 19 4½	1 6 7	3 6 –
179.	Property Tax	Sir R. Peel; Chancellor of Exchequer; Sir G. Clerk	3,000	33	176 4 6	122 13 9	298 18 3
180.	Municipal Corporations	Attorney-general; Solicitor-general; Mr. Jervis	1,150	1½	2 16 9	1 17 –	4 13 9
181.	Excise Duties	Chancellor of Exchequer; Sir G. Clerk	1,250	1½	3 5 9½	1 19 10	5 5 7
182.	Roasted Malt	Chancellor of Exchequer; Sir G. Clerk	1,250	3	5 19 7½	3 19 8	9 19 4
186.	Punishment of Death	Solicitor general for Ireland; Lord Eliot	1,150	4	10 15 6	4 18 6	15 14 –
187.	Civil Bill Decrees	Lord Eliot; Solicitor-general for Ireland	1,050	1	1 19 –	1 2 8	3 1 8
188.	Turnpike Roads	Lord Eliot; Solicitor-general for Ireland	1,050	½	1 1 7½	– 11 4	1 13 –
193.	Timber Ships	Mr. Gladstone; Mr. Greene; Sir G. Clerk	1,050	1½	2 17 9	1 13 11	4 11 8

(*continued.*)

Return of the Expense of Printing, &c. the Bills for the House of Commons included among Sessional Papers, 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
194.	Copyright	Viscount Mahon; Sir R. H. Inglis; Mr. Gladstone; Mr. C. Howard	1,150	4	7 – 6	4 18 3	11 18 9
195.	Lagan Navigation	Lord Eliot; Solicitor-general for Ireland	1,050	3	6 5 3	3 7 10	9 13 1
200.	Soap Duties Drawback	Chancellor of Exchequer; Sir G. Clerk	1,250	½	1 3 –	– 13 4	1 16 4
201.	Salmon Fisheries	Mr. E. Ellice; Mr. T. Mackenzie	1,250	1½	3 10 3½	1 19 10	5 10 1
209.	Parish Constables	Sir J. Graham; Mr. M. Sutton	1,500	3	8 – –	4 14 11	12 14 11
210.	Pentonville Prison	Sir J. Graham; Mr. M. Sutton	1,150	2½	9 13 7	3 1 10	12 15 5
211.	Law of Merchants	Brought from the Lords	1,150	1½	3 1 3	1 16 10	4 18 1
212.	Ecclesiastical Residences	Brought from the Lords	1,250	2	3 19 7½	2 12 11	6 12 7
213.	Property Tax	Sir R. Peel; Chancellor of Exchequer; Sir G. Clerk	1,600	33½	63 8 2½	56 5 9	119 13 11
214.	Double Costs, &c.	Attorney-general; Solicitor-general	1,100	1	1 19 –	1 3 8	3 2 8
215.	Fines and Recoveries	Sir J. Graham; Attorney-general; Solicitor-general	1,250	1	2 3 4½	1 6 7	3 10 –
219.	British Possessions Abroad	Lord Stanley; Mr. Gladstone; Mr. Greene	1,150	3½	10 1 –½	4 7 2	14 8 3
220.	Incumbents' Leasing	Sir J. Graham; Mr. Nicholl	1,250	3	6 1 7½	3 19 8	10 1 3
221.	Ecclesiastical Corporations' Leasing	Sir J. Graham; Mr. Nicholl	1,250	4½	9 – 5½	5 19 4	14 19 9
228.	Manslaughter	Captain Polhill; Mr. Wakley	1,100	½	1 2 7½	– 11 10	1 14 5
229.	Public-houses	Mr. Greene; Captain Rous	1,500	1	1 17 1	1 11 8	3 8 9
234.	Grand Jury Presentments	Solicitor-general for Ireland; Lord Eliot; Mr. Serjeant Murphy	1,150	5	11 12 2	6 3 3	17 15 5
241.	Excise Duties	Chancellor of Exchequer; Sir G. Clerk	1,100	2	3 12 1	2 7 –	5 19 1
242.	Sudbury Disfranchisement	Mr. Redington; Mr. G. Vernon; Mr. Sheil	1,100	½	1 1 7½	– 11 10	1 13 6
243.	Salmon Fisheries	Mr. Edward Ellice; Mr. T. Mackenzie	1,250	1½	2 12 –½	1 19 11	4 11 11
244.	Poor Law	Sir J. Graham; Sir R. Peel; Sir E. Knatchbull	3,000	8	32 19 10½	25 4 9	58 4 8
247.	Parish Constables	Sir J. Graham; Mr. M. Sutton	1,250	3½	5 16 5½	4 12 10	10 9 3
252.	Drainage (Ireland)	Lord Eliot; Solicitor-general for Ireland	1,150	19	33 2 11	23 6 8	56 9 7
253.	Law of Merchants Act	Brought from the Lords	1,100	1½	2 10 –	1 15 2	4 5 2
254.	Bribery at Elections	Brought from the Lords	1,250	1	1 18 10½	1 6 5	3 5 4
255.	Tithe Commutation	Sir J. Graham; Chancellor of Exchequer	1,250	2	4 8 1½	2 13 3	7 1 5
260.	Licensed Lunatic Asylums	Lord G. Somerset; Lord Ashley	1,150	4	6 14 –	4 18 3	11 12 3
261.	Witnesses' Indemnity	Mr. Roebuck; Sir T. Wilde	1,250	1	1 19 4½	1 6 8	3 6 –
264.	Primrose Hill	Earl of Lincoln; Sir T. Fremantle	1,100	3	6 6 –	3 10 6	9 16 6
265.	Newfoundland	Lord Stanley; Attorney-general; Solicitor-general	1,250	1½	3 17 11	2 – 2	5 18 1
266.	New South Wales	Lord Stanley; Attorney-general; Solicitor-general	1,250	5½	24 2 6	7 9 8	31 12 2
270.	Buildings' Regulation, No. 2	Mr. Fox Maule; Mr. Tufnell; Lord Ashley	1,250	4	6 15 –½	5 6 –	12 1 1
272.	Witnesses' Indemnity	Mr. Roebuck; Sir T. Wilde	1,250	1	1 10 10½	1 6 5	2 17 3
273.	Electors' Removal	Mr. M. Gibson; Mr. Hawes	1,250	1	1 19 4½	1 6 7	3 6 –
281.	Slave Trade (Hayti)	Mr. Nicholl; Sir G. Clerk	1,250	1½	3 7 11	2 – 2	5 8 1
282.	Slave Trade (Argentine Confederation)	Mr. Nicholl; Sir G. Clerk	1,250	7	15 – 8	9 7 1	24 7 9
283.	Slave Trade Treaties	Mr. Nicholl; Sir G. Clerk	1,250	1½	3 7 11	2 – 2	5 8 1
286.	Tithes Commutation	Sir J. Graham; Chancellor of Exchequer	1,150	2½	4 15 4	3 1 8	7 17 –
298.	Mines and Collieries	Lord Ashley; Mr. Fox Maule; Mr. Brotherton	1,250	2	4 – 1½	2 13 –	6 13 1
313.	Law of Evidence	Brought from the Lords	1,250	1	1 18 10½	1 6 5	3 5 4
315.	Justices' Jurisdiction	Brought from the Lords	1,250	1	1 18 10½	1 6 5	3 5 3
316.	Perth Prison	Lord Advocate; Sir G. Clerk	1,100	1	2 2 –	1 3 8	3 5 8

Return of the Expense of Printing, &c. the Bills for the House of Commons included among Sessional Papers, 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
318.	Grand Jury Presentments	Lord Eliot Solicitor-general for Ireland	1,150	1	2 – 2	1 4 8	3 4 10
326.	Assessed Taxes	Chancellor of Exchequer Sir G. Clerk	1,100	1½	3 9 6	1 15 4	5 4 10
328.	Writs of Error	Attorney-general Solicitor-general	1,150	1	1 19 2	1 4 8	3 3 10
334.	Bribery at Elections, No. 2	Lord J. Russell Sir T. Wilde	1,250	4	9 19 9½	5 6 5	15 6 3
339.	Customs	Sir R. Peel Chancellor of Exchequer Mr. W. Gladstone	1,750	12	60 14 4½	22 6 11	83 1 3
350.	Customs	Sir R. Peel Chancellor of Exchequer Mr. W. Gladstone	1,750	12½	32 13 1½	23 – 11	55 14 1
351.	Right of Voting	Mr. Shaw Mr. Serjeant Stock	1,250	1	2 – 10½	1 6 8	3 7 6
352.	Municipal Corporations (Ireland)	Lord Eliot Solicitor-general for Ireland	1,250	1½	3 3 3½	1 19 10	5 3 2
355.	Designs Copyright	Mr. E. Tennent Mr. Gladstone	1,200	3½	5 17 11	4 8 8	10 6 7
356.	Mines and Collieries	Lord Ashley Mr. Fox Maule Mr. Brotherton	1,250	2	3 3 7½	2 12 10	5 16 5
357.	Rivers (Ireland)	Lord Eliot Solicitor-general for Ireland	1,050	2	3 2 7	2 4 11	5 7 6
358.	Dean Forest Ecclesiastical Districts	Earl of Lincoln Sir T. Fremantle	1,100	2	3 2 10	2 6 10	5 9 8
360.	Charitable Pawn Offices	Lord Courtenay Mr. Young Mr. W. O'Brien	1,150	1½	3 5 9	1 17 –	5 2 9
363.	Stock in Trade	Sir J. Graham Mr. M. Sutton	1,150	½	1 3 9½	– 12 4	1 16 2
364.	District Courts and Prisons	Sir J. Graham Mr. M. Sutton	1,250	4½	10 6 5½	5 19 4	16 5 9
365.	Manchester, &c. Police	Sir J. Graham Mr. M. Sutton	1,250	1	2 9 4½	1 6 7	3 16 –
367.	Bonded Corn, No. 2	Mr. W. Gladstone Mr. B. Baring Mr. Greene	1,250	1	2 15 9½	1 6 9	4 2 6
368.	Tobacco Regulations	Chancellor of Exchequer Sir G. Clerk Mr. Greene	1,750	2	4 12 2½	3 13 5	8 5 8
369.	Ordnance Services	Captain Boldero Colonel Peel	1,150	5½	11 5 10	6 15 9	18 1 7
370.	Copyright Bill	Lords' Amendment	1,150	1	1 14 11	1 4 1	2 19 –
371.	Buildings' Regulation, No 2	Mr. Fox Maule Mr. Tufnell Lord Ashley	1,250	4	6 16 –½	5 6 2	12 2 2
374.	Municipal Corporations	Attorney-general Solicitor-general Mr. Jervis	1,150	1	2 5 2	1 4 7	3 9 9
375.	London Bridge Approaches	Earl of Lincoln Sir T. Fremantle	1,150	4	7 17 6	4 18 3	12 15 9
379.	Bribery at Elections, No. 2	Lord J. Russell Sir T. Wilde	1,250	4	6 15 –½	5 6 2	12 1 2
380.	Prisons	Sir J. Graham Mr. M. Sutton	1,250	3	7 3 7½	3 19 8	11 3 4
382.	Justices' Jurisdiction	Brought from the Lords	1,050	½	1 1 7½	– 11 3	1 12 11
391.	Four Courts (Dublin)	Solicitor-general for Ireland Lord Eliot	1,150	2	3 19 7	2 9 3	6 8 10
398.	Fisheries (Ireland)	Lord Eliot Solicitor-general for Ireland	1,250	13½	78 4 11	20 7 3	98 12 2
399.	Linen, &c., Manufactures	Mr. W. Gladstone Solicitor-general for Ireland	1,150	1	1 19 2	1 4 8	3 3 10
402.	Testimony Perpetuating	Brought from the Lords	1,100	½	1 2 1½	– 11 10	1 14 –
404.	Fisheries (Ireland)	Lord Eliot Solicitor-general for Ireland	1,150	14	22 6 10½	17 2 6	39 9 5
405.	Fisheries Treaty	Sir G. Clerk Chancellor of Exchequer	1,100	½	1 1 7½	– 11 10	1 13 5
406.	Slave Trade Treaties	Sir G. Clerk Chancellor of Exchequer	1,100	½	1 1 7½	– 11 10	1 13 5
415.	Grand Jury Presentments	Lord Eliot Solicitor-general for Ireland	1,100	4	11 6 5½	4 14 –	16 – 5
416.	South Australia	Lord Stanley Chancellor of Exchequer Sir G. Clerk	1,250	4	9 6 –	5 6 11	14 12 11
417.	Ecclesiastical Jurisdiction	Sir J. Graham Mr. Nicholl	1,100	½	2 5 7½	– 11 10	2 17 6
418.	Chelsea Hospital	Sir H. Hardinge Chancellor of Exchequer Sir E. Knatchbull	1,100	1	3 15 1½	1 4 4	4 19 5
419.	Militia Ballots	Sir J. Graham Sir H. Hardinge	1,100	½	1 4 7½	– 12 4	1 17 –
420.	Military Savings Banks	Sir H. Hardinge Chancellor of Exchequer Sir E. Knatchbull	1,150	1	2 5 2	1 4 8	3 9 10
421.	Turnpike Acts	Mr. M. Sutton Mr. Gaskell	1,100	½	1 4 7½	– 11 10	1 16 6
423.	Prisons	Sir J. Graham Mr. M. Sutton	1,250	4	7 4 –½	5 6 2	12 10 2

(*continued.*)

Return of the Expense of Printing, &c. the Bills for the House of Commons included among Sessional Papers, 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Binding, &c. £. s. d.	Cost of PAPER. £. s. d.	TOTAL. £. s. d.
432.	Parish Constables	Sir J. Graham, Mr. M. Sutton	1,250	3	7 7 5	4 2 –	11 9 5
433.	Wide Streets (Dublin)	Earl of Lincoln, Lord Eliot, Chancellor of Exchequer	1,100	2	3 19 4	2 7 –	6 6 4
436.	Protection of Her Majesty's Person	Sir Robert Peel	1,150	1	1 19 2	1 4 8	3 3 10
437.	Sudbury Disfranchisement	Brought from the Lords	1,100	1	1 18 6	1 3 6	3 2 –
438.	Bribery at Elections, No. 2	Lord J. Russell, Sir T. Wilde	1,250	3½	12 6 11½	4 17 10	17 4 9
439.	Lunatic Asylums (Ireland)	Solicitor-general for Ireland, Lord Eliot	1,150	5½	11 8 1	6 15 2	18 3 3
440.	St. Asaph & Bangor Cathedrals	Sir J. Graham, Mr. Nicholl	1,100	1	2 8 –	1 3 8	3 11 8
441.	Coroners, &c.	Sir C. Douglas, Mr. B. Wilbraham, Mr. Barneby	1,100	1	2 1 –	1 3 8	3 4 8
445.	Election Petitions	Sir R. Peel, Attorney-general, Solicitor-general	1,100	½	1 1 7½	– 11 10	1 13 6
446.	Court of Exchequer	Chancellor of Exchequer, Attorney-general, Solicitor-general	1,150	1½	3 1 9	1 17 –	4 18 9
447.	Common Law Courts	Chancellor of Exchequer, Lord Eliot	1,150	5½	14 12 8½	6 15 5	21 8 1
453.	East Indian Bishops	Mr. B. Baring, Dr. Nicholl	1,250	1	1 19 4½	1 6 7	3 6 –
459.	Customs Act	Mr. Greene, Mr. W. Gladstone, Sir G. Clerk	1,250	1	2 12 10½	1 6 8	3 19 7
460.	Stamp Duties	Chancellor of Exchequer, Sir G. Clerk	1,150	7½	15 11 5	9 4 3	24 15 8
461.	Stamp Duties	Chancellor of Exchequer, Sir G. Clerk	1,350	5	10 14 7½	7 2 11	17 17 6
462.	Assessed Taxes	Chancellor of Exchequer, Sir G. Clerk	1,100	½	1 2 7½	– 11 10	1 14 6
463.	Exchequer Bills	Chancellor of Exchequer, Sir G. Clerk	1,150	1½	4 18 –	1 17 2	6 15 2
466.	Game Certificates	Chancellor of Exchequer, Sir G. Clerk	1,150	1½	3 1 9	1 17 –	4 18 9
472.	Joint Stock Banking Companies	Chancellor of Exchequer, Sir G. Clerk	1,150	½	1 1 9½	– 12 4	1 14 1
473.	Manchester, &c., Police	Sir J. Graham, Mr. M. Sutton	1,150	1	1 10 8	1 4 6	2 15 2
474.	Assessed Taxes, No. 2	Chancellor of Exchequer, Sir G. Clerk	1,100	1	1 10 6	1 3 6	2 14 –
477.	Lunacy	Brought from the Lords	1,050	1	1 18 6	1 2 6	3 1 –
480.	Bankruptcy Law	Brought from the Lords	1,150	6½	13 10 –	7 19 2	21 9 2
481.	Ordnance Services	Captain Boldero, Colonel Peel	1,100	5½	8 13 3½	6 8 10	15 2 1
482.	Court of Exchequer	Chancellor of Exchequer, Attorney-general, Solicitor-general	1,150	1½	2 11 6	1 17 –	4 8 6
483.	Stamp Duties	Chancellor of Exchequer, Sir G. Clerk	1,150	7½	12 4 5	9 3 4	21 7 9
484.	Lunacy	Brought from the Lords	1,050	2	3 10 7	2 4 11	5 15 6
485.	St. Asaph & Bangor Preferments	Sir J. Graham, Mr. Nicholl	1,100	1	1 19 –	1 3 8	3 2 8
486.	Western Australia	Lord Stanley, Attorney-general	1,100	½	1 1 7½	– 11 10	1 13 6
488.	Dublin Boundaries	Lord Eliot, Solicitor-general for Ireland	1,100	2	4 7 4	2 7 2	6 14 6
489.	Tithes Commutation	Lords' Amendments	1,050	1	1 14 9	1 1 6	2 16 3
496.	Bribery at Elections, No. 2	Lord J. Russell, Sir Thomas Wilde	1,100	2	3 2 10	2 6 10	5 9 8
497.	Tobacco Regulations	Chancellor of Exchequer, Sir G. Clerk, Mr. Greene	2,500	2	4 14 –	5 3 11	9 17 11
498.	County Courts	Brought from the Lords	1,250	9½	19 – 6	12 11 3	31 11 9
499.	Militia Pay	Sir J. Graham, Sir H. Hardinge	1,100	5½	10 19 3½	6 9 3	17 8 7
501.	British Merchant Vessels	Captain FitzRoy, Alderman Thompson, Mr. J. Oswald	1,350	4½	13 8 11	6 10 3	19 19 2
502.	Lighting of Towns (Ireland)	Mr. Litton, Mr. Pigot, Viscount Bernard	1,150	12	24 16 –	14 14 5	39 10 5
503.	Court of Chancery Officers	Brought from the Lords	1,250	2	4 4 7½	2 12 11	6 17 6
504.	Lunatic Asylums (Ireland)	Solicitor-general for Ireland, Lord Eliot	1,050	6	9 15 3	6 14 6	16 9 9
505.	Canada Loan	Chancellor of Exchequer, Lord Stanley	1,100	1	1 19 –	1 3 8	3 2 8
507.	Slavery (East Indies)	Mr. B. Baring, Sir G. Clerk	1,250	½	1 3 –	– 13 3	1 16 3
512.	Slave Trade Suppression	Chancellor of Exchequer, Sir G. Clerk	1,100	1	2 6 –	1 3 8	3 9 8
514.	Bankruptcy Law	Brought from the Lords	1,250	9	15 19 4½	11 18 –	27 17 5
515.	Bribery at Elections, No. 2	Lord J. Russell, Sir T. Wilde	1,250	2½	4 5 6	3 6 2	7 11 8
517.	Coventry Boundary	Sir J. Graham, Sir E. Wilmot	1,100	2	5 8 10	2 6 10	7 15 8

Return of the Expense of Printing, &c. the Bills for the House of Commons included among Sessional Papers, 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING, Binding, &c.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
519.	Ecclesiastical Corporations' Leasing - - - -	Sir J. Graham - - Mr. Nicholl - -	1,150	5	8 – 5	6 2 4	14 2 9
520.	Court of Chancery Offices -	Brought from the Lords -	1,250	4	7 17 –½	5 6 2	13 3 2
521.	Insolvent Debtors - -	- - ditto - - -	1,250	2	4 3 7½	2 12 11	6 16 7
529.	Boroughs Incorporation -	Sir J. Graham - - Mr. Sutton - -	1,100	½	1 4 7½	– 11 10	1 16 5
531.	County Courts - - -	Brought from the Lords -	1,250	11	23 18 4	14 10 10	38 9 2
532.	Newfoundland - - -	Lord Stanley - - Attorney-general - - Solicitor-general - -	1,150	1½	2 9 3	1 16 10	4 6 1
533.	Slave Trade - - -	Brought from the Lords -	1,250	1	1 19 4½	1 6 7	3 6 –
534.	Limitation of Actions - -	- - ditto - - -	1,050	1½	3 1 3	1 13 11	4 15 2
535.	Coventry Boundary - -	Sir J. Graham - - Sir E. Wilmot - -	1,100	2½	4 10 7½	2 18 10	7 9 5
538.	Health of Towns - - -	Mr. Mackinnon - - Mr. Cowper - - - Mr. Beckett - - -	1,500	3½	7 11 8½	5 11 3	13 3 –
546.	Slave Trade, No. 2 - -	Sir R. Peel - - - Sir Geo. Clerk - -	1,100	½	1 2 7½	– 11 10	1 14 5
550.	County Courts - - -	Brought from the Lords -	1,250	11	18 19 10	14 12 –	33 11 10
554.	Medical Charities (Ireland) -	Lord Eliot - - - Solicitor-general for Ireland	1,150	6½	52 12 1½	8 8 8	61 – 10
555.	Registration of Voters - -	Sir J. Graham - - Attorney-general - - Solicitor-general - -	1,250	12	25 12 8½	15 19 4	41 12 –
				£.	1,733 14 9½	1,034 14 1	2,768 8 11

Stationery Office,
14 June 1844.

J. R. M^c Culloch,
Comptroller.

— No. 3. —

RETURN of the TOTAL EXPENSE incurred for PAPER and for PRINTING the REPORTS and PAPERS printed under the Superintendence of the STATIONERY OFFICE, and presented to Parliament by Command of HER MAJESTY, in the Session 1842; stating the Title of each Report or Paper, the Number of Copies printed, the Number of Sheets of each Paper, and the Charge for the same, with the aggregate Amount for the whole of the Reports and Papers so printed in the Year.

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
[353.]	National Education (Ireland); Seventh Report of Commissioners - - -	By Command -	1,750	30½	147 17 2	56 8 9	204 5 11
[355.]	Passengers Act, Report of Land and Emigration Commissioners on - -	ditto - -	1,750	7	26 3 8	11 1 –	37 4 8
[356.]	Weight and Measure, Report of Commissioners on the Restoration of the Standard of - - - - - -	ditto - -	2,000	26½	78 2 4	54 12 4	132 14 8
[357.]	Weight and Measure; Mr. Bethune's Letter respecting the Report of the Commissioners - - - -	ditto - -	2,000	2	11 1 1	3 19 4	15 – 5
[358.]	Sickness and Mortality of Troops in Ceylon, Statistical Reports on - -	ditto - -	2,500	31½	182 9 10	89 4 5	271 14 3
[360.]	Railways, 1842; Report of Officers of the Board of Trade - - - -	ditto - -	2,000	86	315 4 9	158 3 8	473 8 5
[361.]	Railways, 1842, Supplement to Report on; Plans - - - - - -	ditto - -	2,000	½ and Plans	117 3 6	28 14 5	145 17 11
[368.]	Atmospheric Railway, Report on - -	ditto - -	2,000	5	15 – 7	8 18 8	23 19 3
[370.]	North Dublin Union Workhouse, Inquiry into the Treatment of Children in	ditto - -	2,250	25	76 17 9	48 15 –	125 12 9
[371.]	Prisons (Scotland); Third Report of the Board of Directors - - - -	ditto - -	2,250	27	284 – 8	75 1 9	359 2 5
[373.]	Emigration (Canada), Reports of the Agents for, 1841 - - - -	ditto - -	1,750	8	27 8 4	15 14 3	43 2 7
[374.]	West Indies, 1841-2; Papers relative to Jamaica and Barbadoes - - -	ditto - -	1,750	38½	137 14 5	66 – 7	203 15 –
[375.]	Trade of the United Kingdom; Tables of the Amount in each Year, 1831 to 1840 - - - - - -	ditto - -	2,000	100	638 1 –	182 5 –	820 6 –
[376.]	West Indies, 1841-2; Papers relative to British Guiana - - - -	ditto - -	1,750	48½	220 2 6	82 14 8	302 17 2
[377.]	Prisons (Ireland); Twentieth Report of the Inspectors-general - - -	ditto - -	1,750	55	348 11 5	90 16 6	439 7 11
[378.]	Common Law Courts (Ireland); Report of Commissioners of Inquiry into the Practice of - - - - -	ditto - -	1,750	51½	193 2 7	86 18 6	280 1 1

(*continued.*)

Return of the Expense of Printing, &c. Reports and Papers printed under the Superintendence of the Stationery Office, Session 1842—*continued.*

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
[379.]	West Indies, 1841–2; Papers relative to Trinidad	By Command	1,750	45	169 – 9	75 10 4	244 11 1
[380.]	Children's Employment Commission, 1st Report; Mines	ditto	2,000	70½	526 19 2	169 7 1	696 6 3
[381.]	Children's Employment Commission; Appendix to Report, Part I.	ditto	2,000	222	1,294 6 2	525 11 –	1,819 17 2
[382.]	Children's Employment Commission; Appendix to Report, Part II.	ditto	2,000	234	1,361 7 9	463 15 11	1,825 3 8
[384.]	Public Works (Ireland); 10th Report of Commissioners	ditto	1,750	9½	34 4 6	14 10 4	48 14 10
[385.]	Tithes (England and Wales, 1842); Report of Commissioners	ditto	3,000	1	3 9 11	2 12 –	6 1 11
[386.]	Grand Jury Presentments (Ireland); Report of Commissioners	ditto	2,000	33½	318 4 9	137 9 7	455 14 4
[388.]	Army; Abstracts of Commissaries' Accounts, 1840–1	ditto	1,100	8½	21 19 6	8 4 8	30 4 2
[389.]	Poor Law; 8th Annual Report of Commissioners	ditto	2,500	29½	122 7 7	70 12 9	193 – 4
[390.]	Criminal Offenders (England and Wales), 1841; Tables	ditto	1,750	18½	235 9 5	34 4 6	269 13 11
[392.]	Loan Fund (Ireland); 4th Annual Report of Commissioners	ditto	2,250	23½	157 6 1	58 13 2	215 19 3
[396.]	Criminal Offenders (Scotland), 1841, Tables of	ditto	1,500	26½	351 10 6	39 14 4	391 4 10
[397.]	Parkhurst Prison, 1842, Reports relating to	ditto	1,750	13	47 2 1	19 18 8	67 – 9
[398.]	National Education (Ireland); 8th Report of Commissioners	ditto	1,750	31	166 12 6	53 19 10	220 12 4
[399.]	Poor Law; Appendices (B.) to (I.) to the 8th Report of Commissioners	ditto	2,500	80½	448 15 6	164 7 –	613 2 6
[400.]	Revenue Inquiry; 1st Report of Commissioners	ditto	1,750	8	21 17 –	12 7 –	34 4 –
[401.]	Poor-rate Valuations (Ireland), Contents and Index to Reports relative to	ditto	2,000	6½	23 7 1	12 – 5	35 7 6
[402.]	Slave Trade, 1841; Correspondence relative to Class (A.)	ditto	1,750	97	366 2 6	149 19 3	516 1 9
[403.]	Slave Trade, 1841; Correspondence relative to Class (B.)	ditto	1,750	212	768 3 9	332 11 7	1,100 15 4
[404.]	Slave Trade, 1841; Correspondence relative to Class (C.)	ditto	1,750	43	128 4 11	67 16 11	196 1 10
[405.]	Slave Trade, 1841; Correspondence relative to Class (D.)	ditto	1,750	85	262 6 8	131 19 7	394 6 3
[406.]	Public Records; 3d Report of the Deputy-keeper of	ditto	1,750	87	478 17 1	139 15 10	618 12 11
[409.]	Exchequer Bills Forgery; Report of Commissioners	ditto	2,000	123½	548 10 4	230 12 11	779 3 3
[410.]	Factories; Reports of Inspectors for the half-year ended 30th June 1842	ditto	1,750	10	32 8 6	15 7 8	47 16 2
[411.]	Queen's Master Printers in Scotland, 2d Report by	ditto	1,750	21½	113 1 6	38 6 6	151 8 –
[412.]	Fine Arts; Reports of Commissioners	ditto	2,000	12	67 9 10	21 13 4	89 3 2
[419.]	Prisons; 7th Report of Inspectors, Part IV.	ditto	2,000	22	82 8 3	45 6 –	127 14 3
[420.]	Prisons; 7th Report of Inspectors, Part II.	ditto	1,750	47½	237 9 9	81 1 7	318 11 4
[421.]	Prisons; 7th Report of Inspectors, Part III.	ditto	1,750	44	213 9 7	73 9 10	286 19 5
[422.]	Prisons; 7th Report of Inspectors, Part I.	ditto	2,000	107½	731 18 6	194 2 4	926 – 10
[423.]	Births, Deaths and Marriages; 4th Report of Registrar-general	ditto	3,250	57½	463 18 4	185 13 8	649 12 –
				£.	12,617 11 4	4,630 4 5	17,247 15 9

Stationery Office,
14 June 1844.

J. R. M'Culloch,
Comptroller.

—No. 4.—

RETURN of the TOTAL EXPENSE incurred for PAPER and for PRINTING all PAPERS presented to Parliament by Command of HER MAJESTY in the Session 1842, exclusive of those printed by Messrs. *Hansard*, and exclusive also of those printed under the Superintendence of the STATIONERY OFFICE; stating the Title of each Paper, the Number of Copies printed, the Number of Sheets of each Paper, and the Charge for the same; with the Aggregate Amount for the whole of the Papers so printed.

PAPERS printed by Messrs. *Harrison*, and presented by Command, Session 1842.

No.	TITLE.	Moved for by	No. of Copies.	No. of Sheets.	Cost of PRINTING.	Cost of PAPER.	TOTAL.
					£. s. d.	£. s. d.	£. s. d.
[349.]	Sound Dues; Arrangements between Great Britain and Denmark, respecting	By Command	1,750	4	11 16 1	6 5 5	18 1 6
[350.]	Dardanelles and Bosphorus; Convention respecting	ditto	1,750	2	4 17 6	3 1 3	7 18 9
[351.]	Treaty of Navigation between Her Majesty and the King of Sardinia	ditto	2,000	2	6 7 2	3 10 1	9 17 3
[352.]	Netherland Authorities in the East Indies; Papers relative to the Treaty of 1824	ditto	1,750	15½	49 – 5	27 6 4	76 6 9
[354.]	Treaty of Commerce with Persia	ditto	1,750	1	2 10 9	1 12 8	4 3 5
[359.]	Corn; Information received from Ministers and Consuls on the Continent	ditto	2,000	8	40 10 10	14 5 2	54 16
[362.]	Wheat, Flour & Provisions; Prices in the United States & British North America	ditto	2,000	4	14 17 4	7 2 1	21 19 5
[363.]	African Slave Trade; Treaty for the Suppression of	ditto	2,000	6	58 19 11	12 2 10	71 2 9
[364.]	Monies received from Chinese Authorities; Papers relative to	ditto	1,750	4½	14 6 5	6 19 11	21 6 4
[365.]	Sulphur Question; Papers relative to	ditto	2,000	3½	12 7 11	6 3 1	18 11 –
[366.]	China; Extract of Letter from Captain Elliot respecting	ditto	1,750	1	2 2 –	1 10 4	3 12 4
[367.]	Customs Duties; Resolutions to be proposed	ditto	4,750	13	265 4 –	55 19 9	321 3 9
[369.]	Claims of British Merchants; Papers relative to Antwerp	ditto	1,750	7	23 11 2	10 16 2	34 7 4
[372.]	Customs Duties; Resolutions to be proposed	ditto	4,750	9	84 19 7	37 17 4	122 16 11
[383.]	Customs Duties; Resolutions to be proposed	ditto	4,750	13	119 2 9	53 18 3	173 1 –
[387.]	Customs Duties; Schedule of Rates as proposed	ditto	3,000	10½	78 3 –	27 14 2	105 17 2
[391.]	Slaves; Treaty with Uruguay respecting	ditto	2,000	9½	26 15 4	16 13 5	43 8 9
[393.]	Texas; Treaty of Commerce and Navigation with	ditto	1,750	1½	3 14 7	2 6 3	6 – 10
[394.]	Texas; Convention respecting Public Debt	ditto	1,750	1	2 6 6	1 10 10	3 17 4
[395.]	Texas; Treaty for the Suppression of the Slave Trade	ditto	2,000	3	8 1 6	5 5 1	13 6 7
[407.]	Traffic in Slaves; Treaty with Mexico for the Abolition of	ditto	2,000	5½	18 19 11	9 17 –	28 16 11
[408.]	Ukases relating to the Administration of Poland	ditto	1,500	3½	213 10 5	4 13 4	18 3 9
[413.]	North American Boundary; Supplementary Reports on	ditto	2,000	30¼ and Plans	67 13 –	65 10 2	333 3 2
[414.]	Commerce and Navigation; Treaty with Portugal	ditto	1,750	4	14 7 1	6 5 6	20 12 7
[415.]	Traffic in Slaves; Treaty with Portugal	ditto	2,000	10½	39 1 11	18 14 9	57 16 8
[416.]	Amity, Commerce and Navigation; Treaty with Bolivia	ditto	1,750	3½	9 1 2	5 7 4	14 8 6
[417.]	Traffic in Slaves; Treaty with Bolivia	ditto	2,000	6½	18 7 10	11 7 10	29 15 8
[418.]	Commercial Treaty with Turkey; Correspondence respecting	ditto	1,750	9	24 19 3	13 16 3	38 15 6
				£.	1,235 15 4	437 12 7	1,673 7 11

Stationery Office,
14 June 1844.

J. R. M'Culloch,
Comptroller.

PARLIAMENTARY PAPERS.

RETURNS of the EXPENSE of Printing the PAPERS for The House of Commons for Session 1842; including PAPERS and BILLS printed by Order of The House; REPORTS and PAPERS printed under the Superintendence of the Stationery Office, and PAPERS presented by Command of HER MAJESTY, and not included in the foregoing.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
21 *June* 1844.

410.

Under 2 oz.

SITTINGS OF THE HOUSE.——DIVISIONS OF THE HOUSE. PUBLIC BILLS.——PRIVATE BILLS.

RETURNS to Four several Orders of the Honourable The House of Commons, dated 3 and 5 August 1844;—*for*,

A RETURN of the Number of DAYS on which the House of Commons SAT in the Session of 1844; stating the total Number of Hours occupied in the Sittings of the House, and the average Time; and also distinguishing the Number of Nights on which the House sat, and the Number of Hours after Midnight;—(*in continuation of Parl. Paper, No.* 599, *Sess.* 1843.)

A RETURN of the Number of DIVISIONS in the Session of 1844, stating the Subject of the Division, and the Number of Members in the Majority and Minority, Tellers included; also, the AGGREGATE NUMBER in the House on each Division; distinguishing also the Divisions on PRIVATE BILLS from PUBLIC; and also the Number of Divisions before and after Midnight.

(*Mr. Brotherton.*)

A RETURN of the TITLES of all PUBLIC BILLS introduced in the Course of the present Session; the DATE of their several STAGES; distinguishing those introduced from the House of Lords.

The SAME for the Years 1838, 1839, 1840, 1841, 1842 and 1843.

(*Mr. Hawes.*)

A RETURN of the PRIVATE BILLS which, in the present Session, have been treated as Opposed Bills, distinguishing those against which no one appeared before the Committee, together with the Number of Days which the Committee on each such Bill has sat; the Names of the Members selected, and the Number of Days on which each Selected Member has served on such Committee; Number of Petitions for Bills presented in conformity with the Sessional Orders; Number of Petitions for Leave to present a Petition; Number of Petitions referred to the Standing Orders Committee; Number of Cases in which the Parties were allowed to proceed with the Bill; Number of Bills read a First Time; Number of Bills read a Second Time, and Committed; Number of Bills reported.

(*Mr. Estcourt.*)

Ordered, by The House of Commons, *to be Printed,*
9 *August* 1844.

REFORM CLUB LIBRARY

SITTINGS OF THE HOUSE.

A RETURN of the Number of Days on which The House of Commons sat in the Session of 1844; stating the Total Number of Hours occupied in the Sittings of The House, and the Average Time; and also distinguishing the Number of Nights on which The House sat, and the Number of Hours after Midnight—(in continuation of Parliamentary Paper, No. 599, of Session 1843).

Days of Sitting.	Hour of Adjournment.	Hours of Sitting.	Hours after Midnight.	Saturdays. —	Saturdays. Hrs.
‡ Feb. - 1	12 3/4	10 3/4	3/4		
2	10	6	—		
				Feb. 3	1/2
5	7	3	—		
6	10 1/2	6 1/2	—		
7	4 3/4	3/4	—		
8	1 3/4	9 3/4	1 3/4		
				Feb. 10	1 1/2
12	12 1/2	8 1/2	1/2		
13	12 1/4	8 1/4	1/4		
14	12 1/2	8 1/2	1/2		
15	11 3/4	7 3/4	—		
16	1	9	1		
19	12 3/4	8 3/4	3/4		
20	2 3/4	10 3/4	2 3/4		
21	12	8	—		
22	12 1/2	8 1/2	—		
23	4	12	4		
26	12 3/4	8 3/4	3/4		
27	11 3/4	7 3/4	—		
29	10 1/2	6 1/2	—		
March 1	1	9	1		
4	12 1/4	8 1/4	1/4		
5	6 3/4	2 3/4	—		
6	6 3/4	3/4	—		
7	12 3/4	8 3/4	3/4		
8	11 1/2	7 1/2	—		
11	9	5	—		
12	12 3/4	8 3/4	3/4		
13	9	5	—		
14	12 1/2	8 1/2	1/2		
15	1	9	1		
18	1 3/4	9 3/4	1 3/4		
19	7 3/4	3 3/4	—		
20	7 1/2	3 1/2	—		
21	7	3	—		
22	1 3/4	9 3/4	1 3/4		
25	11	7	—		
26	11	7	—		
27	5 3/4	1 3/4	—		
29	12	8 3/4	3/4		
April 1	1	9	1		
2	7	3	—		
15	11 1/2	7 1/2	—		
16	1 1/4	9 1/4	1 1/4		
18	7	3	—		
19	12	8	—		
22	12 1/4	8 1/4	—		
23	7	3	—		
24	7 3/4	3 3/4	—		
26	12 1/4	1/4	—		
29	12 1/4	1/4	—		
30	1 1/2	9 1/2	1 1/2		
May - 1	7 1/4	3 1/4	—		
2	6 1/2	2 1/2	—		
3	1 1/4	9 1/4	1 1/4		
6	1 3/4	9 3/4	1 3/4		
7	8 1/2	4 1/2	—		
9	9 1/4	5 1/4	—		
10	1	9	1		
13	2	10	2		
14	1	9	1		
15	4 1/2	1/2	—		
16	10	6	—		
17	1	9	1		
20	1 1/2	9 1/2	1 1/2		
21	5 1/2	1 1/2	—		

Days of Sitting.	Hour of Adjournment.	Hours of Sitting.	Hours after Midnight.	Saturdays. —	Saturdays. Hrs.
May 22	5	1	—		
23	7 3/4	3 3/4	—		
24	12 1/2	8 1/2	1/2		
30	12 3/4	8 3/4	3/4		
31	12 3/4	8 3/4	3/4		
June 3	11 3/4	7 3/4	—		
4	12 3/4	8 3/4	3/4		
5	7 1/4	3 1/4	—		
6	12 3/4	8 3/4	3/4		
7	10	6	—		
10	1	9	1		
11	12 1/2	8 1/2	1/2		
12	1 1/2	9 1/2	1 1/2		
13	2	10	2		
14	1 3/4	9 3/4	1 3/4		
17	1 1/4	9 1/4	1 1/4		
19	7	3	—		
20	1 1/2	9 1/2	1 1/2		
21	12 1/2	8 1/2	1/2		
24	1	9	1		
25	1 1/2	9 1/2	1 1/2		
26	1 1/4	9 1/4	1 1/4		
27	1 1/2	9 1/2	1 1/2		
28	9 3/4	5 3/4	—		
July - 1	8 1/2	4 1/2	—		
2	12	8	—		
* 3	6 1/2	6 1/2	—		
4	2 1/4	10 1/4	2 1/4		
5	12 3/4	8 3/4	3/4		
8	1 1/2	9 1/2	1 1/2		
*9	7 3/4	7 3/4	—		
*10	11 3/4	11 3/4	—		
11	1 3/4	9 3/4	1 3/4		
12	1	9	1		
				July 13	4 1/2
* 15	12 1/4	12 1/4	1/4		
* 16	12 3/4	12 3/4	—		
* 17	10 1/2	10 1/2	—		
† 18	1 3/4	12 3/4	1 3/4		
* 19	1 3/4	13 3/4	1 3/4		
* 22	1 3/4	13 3/4	1 3/4		
* 23	1	13	1		
* 24	1	13	1		
* 25	12 1/4	12 1/4	1/4		
* 26	9 1/4	9 1/4	—		
* 29	10 1/2	10 1/2	—		
* 30	8 1/2	8 1/2	—		
* 31	11 3/4	11 3/4	—		
* Aug. 1	11 1/4	11 1/4	—		
* 2	7 1/2	7 1/2	—		
				August 3	1/2
* 5	7 1/4	7 1/4	—		
* 6	8 1/4	8 1/4	—		
* 7	7 3/4	7 3/4	—		
§ 8	9	6	—		
‖ 9	7 3/4	4 1/4	—		
119	- -	906 3/4	69 (58 nights.)	4	7

* The House met at 12 o'clock.
† The House met at 1 o'clock.
‡ The House met at 2 o'clock.
§ The House met at 3 o'clock.
‖ The House met at 3½ o'clock.

From 1 February to 9 August, 119 Days, and four Saturdays; Hours of Sitting, 906 3/4; Hours after Midnight, 69; Average Time of Sitting, 7 Hours, 36 Minutes.

Journal Office, House of Commons,
9 August 1844.

J. Gudge,
Clerk of the Journals.

DIVISIONS OF THE HOUSE.

RETURN of the Number of DIVISIONS in the SESSION of 1844; stating the Subject of the Division, and the Number of Members in the Majority and Minority, Tellers included; also, the Aggregate Number in the House on each Division; distinguishing, also, the Divisions on PRIVATE BILLS from PUBLIC; and also, the Number of Divisions before and after Midnight.

SUMMARY OF DIVISIONS.

Number of Divisions on PUBLIC MATTERS before Midnight	126
Ditto - - - - after Midnight	28
Ditto - PRIVATE BILLS before Midnight	13
TOTAL Number of Divisions in Session 1844	167

DIVISIONS ON PUBLIC MATTERS.

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
113	July - 4	Actions for Gaming Discontinuance (No. 2) Bill,—Second Reading:—"That the Debate be now adjourned."	12	63	76	- -	A. M.
123	„ - 10	——— (On going into Committee):—"That Charles Henry Russell be heard upon his Petition against the Bill."	16	32	49	B. M.	
124	„ - „	——— Ditto,—"That Mr. Speaker do now leave the Chair."	47	11	59	B. M.	
89	June - 11	Anatomy Act,—"That a Select Committee be appointed to inquire into the operation of the:"—(*Mr. Borthwick.*)	12	51	64	B. M.	
91	„ - 13	Bank of England Charter Bill,—Second Reading:—Amendment proposed, "That no sufficient evidence has been laid before this House to justify the proposed interference with Banks of Issue in the Management of their Circulation:"—(*Mr. Hawes.*)	187	32	220	- -	A. M.
104	„ - 24	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."	207	20	228	B. M.	
106	„ - 27	——— (In Committee):—Fifth Clause, an Amendment proposed.	85	40	126	B. M.	
23	March - 7	Brazils,—Motion for an Address praying Her Majesty to adopt measures to maintain and improve the commercial relations between the United Kingdom and the Brazils:—(*Mr. Labouchere.*)	134	207	342	- -	A. M.
160	July - 29	Charitable Donations and Bequests (Ireland) Bill,—Second Reading.	73	7	81	B. M.	
164	August - 1	——— (In Committee):—Sixth Clause, an Amendment proposed.	16	38	55	B. M.	
165	„ - „	——— Thirteenth Clause, an Amendment proposed.	21	40	62	B. M.	
166	„ - „	——— Fourteenth Clause, "That the Clause stand part of the Bill."	50	11	62	B. M.	
90	June - 12	Church Temporalities (Ireland),—Motion for a Committee of the whole House to consider the present state of the:—(*Mr. Ward.*)	181	276	458	- -	A. M.
15	Feb. - 29	Clontarf Meeting,—"That by the Proclamation issued by the Irish Government a risk of disastrous collision was incurred, and a dangerous precedent created:"—(*Col. Rawdon.*)	64	92	157	B. M.	

(*continued.*)

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
80	June - 4	Coals,—Motion for a Committee of the whole House to consider so much of 5 & 6 Vic. c. 47, as relates to an Export Duty on Coals:—(*Lord Harry Vane.*)	76	112	189	B. M.	
25	March - 13	Commons' Inclosure Bill,—Second Reading	72	25	98	B. M.	
35	, - 26	Corn Importation,—Motion for a Committee of the whole House to consider Resolution, "That Corn imported into the United Kingdom from British Possessions in South Africa, India and Australasia, be made subject to the same Duty as that levied on Corn imported from Canada:"—(*Mr. Hutt.*)	49	119	169	B. M.	
105	June - 26	——— Motion for a Committee of the whole House to consider Resolutions for Repeal of the Corn Laws:—(*Mr. Villiers.*) —Amendment:—(*Mr. Ferrand.*)	126	330	457	- -	A. M.
22	March - 6	County Coroners Bill,—(In Committee):—Twentieth Clause, an Amendment proposed.	95	36	132	B. M.	
28	„ - 20	——— (In Committee):—Sixth Clause, an Amendment proposed.	47	72	120	B. M.	
102	June - 21	——— Third Reading - - -	43	25	69	- -	A. M.
122	July - 10	Court of Arches Bill,—Second Reading -	19	32	52	B. M.	
65	May - 14	Court of Chancery,—"Select Committee to inquire into Compensations made to certain Clerks in the:"—(*Mr. Watson.*)	70	86	157	B. M.	
156	July - 25	Criminal Justice (Middlesex) Bill, —(In Committee):—Ninth Clause.	45	10	56	B. M.	
68	May - 17	Customs' Duties' Bill,—(In Committee):—Duty on Coffee.	30	81	112	B. M.	
121	July - 9	Danish Claims,—Motion for a Committee of the whole House to consider of an Address, praying Her Majesty to take into Her favourable consideration the Case of the Claimants for Losses sustained by the seizure of British Ships by the Danish Government in 1807:—(*Mr. Christie.*)	70	74	145	B. M.	
51	May - 1	Detached Parts of Counties Bill,—(In Committee):—First Clause, an Amendment proposed.	21	17	39	B. M.	
81	June - 6	Dissenters' Chapels Bill,—Second Reading	309	119	429	B. M.	
100	„ - 21	——— (In Committee):—Second Clause, an Amendment proposed.	45	163	209	B. M.	
101	„ - „	——— (In Committee):—"That the Clause as amended stand part of the Bill."	190	64	255	B. M.	
107	„ - 28	——— Third Reading - - -	203	83	287	B. M.	
127	July - 11	Dog Stealing Committee, —"That Mr. Liddell be a Member of the."	37	10	48	- -	A. M.
161	„ - 30	Don Carlos,—Address for Papers relating to certain Propositions made by Don Carlos, having for their object the Tranquillization of Spain:—(*Mr. Borthwick.*)	4	35	40	B. M.	
13	Feb. - 27	Dublin Protestant Operative Association,—Motion for Copy of an Address presented to the Lord Lieutenant of Ireland, from the Dublin Protestant Operative Association and Reformation Society, dated 14 Oct. 1843; with the official Reply:—(*Capt. Bernal.*)	56	107	164	B. M	
136	July - 16	Ecclesiastical Commissioners,—Motion for a Return of all Payments made by the Ecclesiastical Commissioners for England, in each of the last Six Years:—(*Mr. Evelyn Denison.*)	29	57	87	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
43	April - 22	Ecclesiastical Courts Bill,—Second Reading	160	91	252	B. M.	
71	May - 31	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."—Amendment proposed: "That it be an instruction to the Committee on the Bill, that they have power to make provision for the abolition of all Ecclesiastical Courts," &c.:—(*Mr. Thomas Duncombe.*)—"That the words proposed to be left out stand part of the Question."	117	72	190	B. M.	
72	,, - 31	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."	64	27	92	B. M.	
73	,, - ,,	——— (In Committee):—First Clause, an Amendment proposed.	42	64	107	B. M.	
74	,, - ,,	——— (In Committee):—First Clause, another Amendment proposed.	63	111	175	B. M.	
75	,, - ,,	——— (In Committee):—First Clause, another Amendment proposed.	68	109	178	B. M.	
76	,, - ,,	——— (In Committee):—First Clause, another Amendment proposed.	60	123	184	B M.	
77	,, - ,,	——— (In Committee):—"That the Chairman do report progress," &c.	47	90	138	B. M.	
78	,, - ,,	——— (In Committee):—"That the Chairman do leave the Chair."	41	84	126	B. M.	
59	,, - 7	Ellenborough (Lord),—Motion for Correspondence respecting the Recall of:—(*Mr. Hume.*)	23	199	223	B. M.	
26	March - 18	Factories Bill,—(In Committee):—Second Clause, an Amendment proposed.	172	181	354	B. M.	
27	,, - ,,	——— (In Committee):—Second Clause, an Amendment proposed.	163	155	319	B. M.	
30	,, - 22	——— (In Committee):—EighthClause, an Amendment proposed.	185	188	374	B. M.	
31	,, - ,,	——— (In Committee):—Eighth Clause, an Amendment proposed.	183	190	374	B. M.	
46	April - 26	——— (No. 2) Bill,—Order for Committee read: "That the said order be discharged."	44	147	192	B. M	
52	May - 3	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair;"—Amendment proposed, "That no interference with the power of Adult Labourers in Factories to make Contracts respecting the hours for which they shall be employed be sanctioned by this House:"—(*Mr. Roebuck.*)—"That the words proposed to be left out stand part of the question."	284	78	363	- -	A. M.
47	April - 26	——— (In Committee):—Fifth Clause, "That the Clause stand part of the Bill."	159	55	215	B. M.	
53	May - 6	——— (In Committee):—Twenty-ninth Clause, "That the Clause as amended stand part of the Bill."	139	42	182	B. M.	
54	,, - ,,	——— (In Committee):—Thirty-second Clause, "That the Clause as amended stand part of the Bill."	163	24	188	B. M.	
55	,, - ,,	——— (In Committee):—Thirty-seventh Clause, an Amendment proposed.	28	117	146	B M.	
56	,, - ,,	——— (In Committee):—Forty-fifth Clause, an Amendment proposed.	24	79	104	B. M.	
61	,, - 13	——— (On Third Reading):—Clause (limiting the Hours for the Employment of Young Persons); "That the Clause be read a second time."	161	299	461	- -	A. M.
62	,, - ,,	——— (On Third Reading):—An Amendment proposed.	126	31	158	- -	A. M.
63	,, - ,,	——— "That the Bill do pass" - -	138	9	148	-	A. M.

(*continued.*)

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
109	July - 2	Glasgow Assizes,—Address for a Commission to inquire into the Conduct of the Judges on the Trial of Alexander Walker: —(*Mr. Wallace.*)	38	151	190	B. M.	
163	„ - 31	Heathcote, Mr. John,—" That the Petition of Mr. Heathcote, Superintendent of Factories, be taken into consideration."	18	25	44	B. M.	
9	Feb.- - 14	HorseRacing Penalties Bill,—Second Reading, " That the Bill be now read a second time :"—Amendment proposed,—" That a Select Committee be appointed to inquire into Statutes against Gaming of every kind :"—(*Mr. Milner Gibson.*)—" That the words proposed to be left out stand part of the Question."	114	27	142	B. M.	
10	„ - 21	——— (In Committee) :—Amendment proposed to the Preamble.	29	83	113	B. M.	
14	„ - 27	——— Third Reading - - -	89	23	113	B. M.	
147	July - 22	" House, that this, do now adjourn" - -	8	35	44	- -	A. M.
24	March - 12	Import Duties,—" That a Select Committee be appointed to inquire into the effect of Protective Duties on Imports upon the interest of Tenant Farmers and Farm Labourers :"—(*Mr. Cobden.*)	135	226	362	- -	A. M.
167	Aug. - 7	Insolvent Debtors Bill,—On Third Reading, Clause (Compensation to Thomas Acton Warburton, Esquire), " That the Clause be read a second time."	46	7	54	B. M.	
11	Feb. - 23	Ireland, (State of),—Motion for a Committee of the whole House on the:—(*Lord John Russell.*)	227	326	554	- -	A. M.
146	July - 22	Land Tax Commissioners' Names Bill,—Amendment proposed on Third Reading.	36	15	52	- -	A. M.
34	March - 26	Lime Toll Exemption (Wales),—Motion for leave to bring in a Bill.	70	44	115	B. M.	
50	May - 1	Masters and Servants Bill,—On going into Committee.	56	99	156	B. M.	
159	July - 26	Merchant Seamen Bill,—" That this House will, on Monday, resolve itself into Committee."	38	11	50	B. M.	
6	Feb. - 12	Metropolis Improvements Bill,—Amendment proposed on Third Reading.	147	72	220	B. M.	
135	July - 16	Metropolitan Buildings Bill,—(On going into Committee),—" That Mr. Speaker do now leave the Chair ;"—whereupon previous question put,—" That that Question be now put."	41	7	49	B. M.	
137	„ - 17	——— Schedule (C.), an Amendment proposed.	27	12	40	B. M.	
138	„ - „	——— That Schedule (C.) stand part of the Bill.	31	7	39	B. M	
21	March - 5	Midnight Motions, " That no Motion, if opposed, be brought on after Midnight :" —(*Mr. William Williams.*)	18	148	167	B. M.	
67	May - 16	Naval Officers,—" That a Plan of Retirement be devised, with a view to render the Naval Service efficient," &c.:—(*Sir Charles Napier.*)	30	73	104	B. M.	
94	June - 17	Night Poaching Prevention Bill,—Consideration of Lords' Amendments.	39	7	47	- -	A. M.
98	„ - 20	——— Consideration of Lords' Amendments.	65	14	80	- -	A. M.

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
148	July - 23	O'Driscoll, Mr., Address for his removal from the Commission of the Peace:—(*Mr. Ross.*)	61	94	156	- -	A. M.
82	June - 7	Parishes (Scotland) Bill,—On going into Committee, "That Mr. Speaker do now leave the Chair."	115	61	177	B. M.	
83	„ - „	——— In (Committee):—First Clause, "That the Clause stand part of the Bill."	54	22	77	B. M.	
84	„ - „	——— (In Committee):—Eighth Clause, an Amendment proposed.	55	19	75	B. M.	
85	„ - „	——— (In Committee):—Eighth Clause, "That the Clause as amended stand part of the Bill."	59	18	78	B. M.	
64	May - 14	Parliamentary Suffrage,—Leave for Bill to extend Parliamentary Suffrage, &c.:—(*Mr. Sharman Crawford.*)	33	99	133	B. M.	
111	July - 4	Poor Law Amendment Bill,—(On going into Committee): "That Mr. Speaker do now leave the Chair:"—Amendment proposed, "That the New Poor Law is unconstitutional in principle and oppressive in operation," &c.:—(*Mr. Borthwick.*)—Whereupon Motion made and Question put, "That the Debate be now adjourned."	20	221	242	- -	A. M.
112	„ - „	——— "That the words proposed to be left out stand part of the Question."	201	21	223	- -	A. M.
114	„ - 5	——— (In Committee):—Fourth Clause, an Amendment proposed.	86	42	129	B. M.	
115	„ - „	——— (In Committee):--Eleventh Clause, "That the Clause as amended stand part of the Bill."	153	25	179	B. M.	
116	„ - „	——— (In Committee):—Thirteenth Clause, an Amendment proposed.	144	19	164	B. M.	
117	„ - „	——— (In Committee):—Fourteenth Clause, an Amendment proposed.	159	17	177	B. M.	
118	„ - „	——— (In Committee):—Sixteenth Clause, "That the Clause stand part of the Bill."	113	47	161	B. M.	
128	„ - 12	——— (In Committee):—Twenty-eighth Clause, an Amendment proposed.	134	41	176	B. M.	
129	„ - „	——— Ditto - ditto - ditto -	40	141	182	B. M.	
130	„ - „	——— (In Committee):—Twenty-eighth Clause, "That the Clause as amended stand part of the Bill."	139	46	186	B. M.	
131	„ - 13	——— (In Committee):—Thirty-fifth Clause, an Amendment proposed.	28	105	134	B. M.	
132	„ - „	——— (In Committee):—Thirty-fifth Clause, "That the Clause as amended stand part of the Bill."	109	3	113	B. M.	
133	„ - 15	——— (In Committee):—Thirty-sixth Clause, "That the Clause stand part of the Bill."	85	8	94	B. M.	
139	„ - 18	——— (In Committee):—Fifty-seventh Clause, an Amendment proposed.	80	25	106	B. M.	
141	„ - „	——— (In Committee):—Clause, (Commissioners not to enforce indiscriminate separation of Man and Wife):—(*Mr. Redhead Yorke.*)—"That the Clause be read a second time."	8	98	107	B. M.	

(*continued.*)

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Poor Law Amendment Bill—*continued.*					
142	July - 18	——— (In Committee):—Clause (Out-door Relief to Widows in certain cases):—(*Mr. Burroughes.*)—"That the Clause be read a second time."	51	50	102	B. M.	
151	„ - 24	——— Further consideration of Report: Clause (Man and Wife, both being above sixty years of age, not to be separated):—(*Mr. Borthwick.*)—"That the Clause be read a second time."	34	97	132	B. M.	
152	„ - „	——— Further consideration of Report: Clause (Appointment of Chaplains to Workhouses):—(*Mr. Stafford O'Brien*)—"That the Clause be read a second time."	21	84	106	- -	A. M.
153	„ - 25	——— Further consideration of Report: Clause (Granting Out-door Relief in certain cases):—(*Sir Charles Napier.*)—"That the Clause be read a second time."	30	44	75	B. M.	
154	„ - „	——— Further consideration of Report: Clause (Abolishing Poor Law Commission):—(*Colonel Sibthorp.*)—"That the Clause be read a second time."	10	83	94	B. M.	
155	„ - „	——— Further consideration of Report: Amendment proposed respecting the appointment of Auditors of Accounts in certain Parishes:—(*Captain Pechell.*)	12	54	67	B. M.	
87	June - 10	Poor Relief (Gilbert's Unions) Committee,—"That Mr. Beckett Denison be discharged from further attendance on."	12	20	33	- -	A. M.
66	May - 14	Poor Relief (Ireland) Acts Committee,—"That Sir Denham Norreys be a Member of the:"—Amendment proposed, "That the order for the appointment of that Committee be discharged."—"That the words proposed to be left out stand part of the Question."	12	44	57	- -	A. M.
103	June - 24	Post Office, Petition of Charles Stolzman, alleging that his letters had been opened at the General Post Office:—Read.—"That a Select Committee be appointed:"—(*Mr. Thomas Duncombe.*)	164	208	373	B. M.	
110	July - 2	——— Committee of Secrecy appointed to inquire into the mode of opening Letters at the General Post Office:—"That Mr. Thomas Duncombe be a member of the Committee."	54	130	185	B. M.	
140	„ - 18	——— "That it be an instruction to the said Committee to allow Mr. Thomas Duncombe, M.P. for Finsbury, to attend on behalf of Joseph Mazzini," &c.:—(*Mr. Thomas Duncombe.*)	53	143	197	B. M.	
8	Feb. - 12	Publication of Debates,—"That a Select Committee be appointed:"—(*Mr. Christie.*)	39	86	126	- -	A. M.
1	„ - 1	Queen's Speech,—Amendment proposed,—"That previous to voting the Supplies, The Commons deem it their first and most important duty to inquire into the Grievances of the People:"—(*Mr. Sharman Crawford.*)	31	287	319	B. M.	
2	„ - „	——— Amendment proposed,—"That many Branches of Civil, Military and Naval Establishments may be so greatly reduced as to procure for the people considerable relief from taxation without detriment to the public service:"—(*Mr. Hume.*)	51	237	289	- -	A. M.

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Queen's Speech—*continued.*					
3	Feb. - 2	——— Amendment proposed:—To leave out the words "That Your Majesty is resolved to act in strict conformity with the declaration made, &c., of your firm determination to maintain inviolate the Legislative Union between Great Britain and Ireland:"—(*Mr. Sharman Crawford*).	144	37	182	B. M.	
18	Mar. - 4	Railways,—Consideration of Second Report of Railways Committees, "That this House doth agree with the Committee," &c.:—Debate arising, "That the debate be now adjourned."	5	202	208	B. M.	
120	July - 8	Railways Bill,—Debate on Second Reading, "That the Debate be adjourned."	55	175	231	- -	A. M.
126	,, - 11	——— Second Reading - - -	188	100	289	B. M.	
145	,, - 22	——— (In Committee):—Sixth Clause, an Amendment proposed.	43	75	119	B. M.	
157	,, - 26	Savings Banks Bill,—(In Committee):—First Clause, an Amendment proposed.	53	22	76	B. M.	
158	,, - ,,	——— (In Committee):—Second Clause, an Amendment proposed.	60	16	77	B. M.	
5	Feb. - 8	Scinde, Ameers of,—Address praying Her Majesty to take into Her consideration the situation and treatment of the:—(*Lord Ashley*).	70	204	275	- -	A. M.
7	,, - 12	——— Vote of Thanks to Officers and Men in recent Military Operations in:—(*Sir Robert Peel.*)—Previous Question put, "That that question be now put:"—(*Mr. Sharman Crawford.*)	166	11	178	B. M.	
149	July - 24	Slaughtering Horses Bill,—(In Committee):—"That the Chairman do report progress," &c.	13	106	120	B. M.	
150	,, - ,,	——— (In Committee):—Ninth Clause, an Amendment proposed.	53	7	61	B. M.	
162	,, - 31	——— (On Third Reading):—An Amendment proposed.	35	62	98	B. M.	
69	May - 17	Stamp Duties Bill,—(In Committee):—Schedule,—an Amendment proposed.	71	24	96	B. M.	
134	July - 15	State Trials (Ireland),—"That a Select Committee be appointed to inquire into the facts connected with the formation of the Special Jury," &c.:—(*Mr. Wyse.*)	75	93	169	B. M.	
125	,, - 10	Sudbury Disfranchisement Bill,—Instruction to Committee:—(*Mr. Blackstone.*)	3	39	43	B. M.	
86	June - 10	Sugar Duties Bill,—(On going into Committee):—"That Mr. Speaker do leave the Chair."—Amendment proposed,—"That it is expedient that the Duties on Foreign and Colonial Sugar should be equalized:" (*Mr. Ewart.*)—"That the words proposed to be left out stand part of the Question."	261	58	320	B. M.	
92	,, - 14	——— (In Committee):—First Clause,—Amendment proposed,—Scale of Duties,—(*Mr. Philip Miles.*)	223	243	467	B. M.	
93	,, - 17	——— (In Committee):—First Clause,—Amendment proposed, to leave out "The cwt. 1 *l.*," (in respect of Sugar from British Possessions in America), in order to insert, "The cwt., 1 *l.* 4 *s.*"—"That 'The cwt., 1 *l.*,' stand part," &c.	235	257	493	- -	A. M.

(*continued.*)

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Sugar Duties Bill—*continued.*					
97	June - 20	——— (In Committee):—Fourth Clause, "That the Clause as amended stand part of the Bill."	116	62	179	B. M.	
99	„ - 21	——— (On Report):—"That the Amendments be now read a second time."—Amendment proposed,—"That the distinction between Free-labour and Slave-labour Sugar be clearly defined, and that they be admitted at the same rate of Duty:"—(*Mr. Ewart.*)—"That the words proposed to be left out stand part of the Question."	185	67	253	B. M.	
4	Feb. - 6	Supply,—"That a Supply be granted to Her Majesty."—Amendment proposed,—"That the Petitions complaining of Grievances and Distress among the Working Classes be inquired into before the House proceeds to the voting of Supplies:" (*Mr. Sharman Crawford.*)—"That the words proposed to be left out stand part of the Question."	132	24	157	B. M.	
12	„ - 26	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."—Amendment proposed,—"That the consideration of the Estimates be postponed till after Easter:"—(*Mr. Sharman Crawford.*)—"That the words proposed to be left out stand part of the Question."	107	13	121	B. M.	
17	March 1	——— (On going into Committee):—Amendment proposed,—"That the consideration of the Estimates be postponed till the Petitions complaining that this House is not a true representation of the People, shall have been considered:"—(*Mr. Sharman Crawford.*)—"That the words proposed to be left out stand part of the Question."	93	17	111	B. M.	
19	„ - 4	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."—Amendment proposed,—"That the large amount of Military Force is contrary to the principles of constitutional liberty:"—(*Mr. Sharman Crawford.*)—"That the words proposed to be left out stand part of the Question."	89	10	100	B. M.	
16	„ - 1	——— (On going into Committee):—"That the Order of the day for Committee of Supply be now read."—Amendment proposed,—"Return of Money paid to Richard Bond Hughes, &c., relative to Repeal Agitation in Ireland:"—(*Mr. Thomas Duncombe.*)—"That the words proposed to be left out stand part of the Question."	146	75	222	B. M.	
37	„ - 29	——— (On going into Committee):—"That the order of the day for the Committee of Supply be now read."—Amendment proposed,—"That the Duties be repealed which press on the Raw Materials of Manufacture," &c.:—(*Mr. Ewart.*)—"That the words proposed to be left out stand part of the Question."	90	26	117	B. M.	

Divisions on Public Matters—*continued.*

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
		Supply—*continued.*					
143	July - 19	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."—Amendment proposed,—"Address for a Commission to inquire into the cause of Incendiarism in Norfolk,"&c.:—(*Mr. Milner Gibson.*)—"That the words proposed to be left out stand part of the Question."	132	43	176	B. M.	
20	March 4	——— (In Committee):—"That a number of Land Forces not exceeding 100,295 men, be maintained."—Whereupon Motion made, and Question put,—"That 80,295 men be maintained," &c.	14	116	131	B. M.	
38	April - 15	——— (In Committee):—"That 59,350*l.* be granted to pay the Salaries, &c. of the Two Houses of Parliament."—Whereupon Motion made, and Question put,—"That 44,350*l.* be granted," &c.	15	71	87	B. M.	
39	„ - „	——— "That 6,464*l.* 17*s.* 5*d.* be granted to pay the Salaries, &c. of the Household of the Lord Lieutenant of Ireland."—Whereupon Motion made, and Question put,—"That 4,890*l.* 1*s.* 3*d.* be granted."	15	47	63	B. M.	
40	„ - 19	——— "That 13,500*l.* be granted to defray the Charge of the Civil Establishment of Saint Helena."	70	25	96	B. M.	
41	„ - „	——— "That 7,565*l.* be granted to defray the charge of the Colony of New Zealand."—Whereupon Motion made, and Question put,—"That 6,965*l.* be granted."	21	82	104	B. M.	
70	May - 24	——— "That 16,600*l.* be granted to defray the Expense incurred in Canada for Militia and Volunteers."	75	9	85	B. M.	
144	July - 19	——— "That 8,928*l.* be granted for the Roman Catholic College in Ireland."	89	32	122	B. M.	
49	April - 30	Universities (Scotland),—"That leave be given to bring in a Bill to regulate the Administration of Oaths in:"—(*Mr. Fox Maule.*)	103	130	234	B. M.	
108	July - 1	Unlawful Oaths (Ireland) Bill,—(In the Committee):—First Clause,—"That the Chairman do leave the Chair."	42	60	103	B. M.	
95	June - 19	Vestries in Churches Bill,—(On going into Committee):—"That Mr. Speaker do now leave the Chair:"—Amendment proposed.	89	75	165	B. M.	
96	- „	——— "That Mr. Speaker do now leave the Chair:"—Motion made, and Question put,—"That this House do now adjourn."	77	85	163	B. M.	
79	„ - 3	Ways and Means,—(In the Committee):—Sugar Duties.	130	199	330	B. M.	

DIVISIONS ON PRIVATE BILLS.

Number of the Printed Division Lists.	DATE.	SUBJECT OF DIVISION.	Ayes (Tellers included).	Noes (Tellers included).	Aggregate Number of Members in the House (Speaker or Chairman included).	Before Midnight.	After Midnight.
36	March - 27	Birmingham Corporation Bill,—Second Reading.	69	79	149	B. M.	
33	„ - 26	Brighton and Chichester Railway Bill,—Second Reading.	101	50	152	B. M.	
44	April - 23	Colchester and Harwich Railway (No. 2), and Harwich Railway and Pier Bills,—Instruction to the Committee:—(*Mr. Charles Round.*)	29	100	130	B. M.	
29	March - 21	Edinburgh and Glasgow Railway Bill,—"That an order respecting the, be discharged, and that the Committee have leave to sit on Wednesday next:"—(*Mr. Gibson Craig.*)	67	68	136	B. M.	
32	„ - 25	Harrogate and Knaresborough Railway Bill,—Second Reading.	50	43	94	B. M.	
45	April - 26	Leeds and Bradford Railway Bill,—"That the Amendments made by the Committee be read a second time."—Amendment proposed, "That the Bill be re-committed:"—"That the words proposed to be left out stand part of the Question."	58	160	219	B. M.	
57	May - 7	——— Question again proposed:—Amendment proposed, "That the Report be taken into further consideration this day Six Months:"—"That the words proposed to be left out stand part of the Question."	126	60	187	B. M.	
58	„ - „	——— Question again proposed:—Question put,—"That the Debate be now adjourned."	74	112	187	B. M	
60	„ - 9	——— Third Reading - - -	75	23	99	B. M.	
119	July - 8	Middle Level Drainage and Navigation Bill,—"That the Amendments made by the Committee be read a second time."—Amendment proposed,—"That the Bill be re-committed:"—"That the words proposed to be left out stand part of the Question."	118	28	147	B. M	
88	June - 11	Ness Fisheries Bill,—Third Reading -	61	52	114	B. M.	
48	April - 30	Newbury, Basingstoke, London and Southampton Railway Bill,—"Further consideration of Report."	168	75	244	B. M.	
42	„ - 22	North British Railway Bill,—Third Reading	104	25	130	B. M.	

PUBLIC BILLS.

A RETURN of the TITLES of all PUBLIC BILLS introduced in the course of the present Session; the Date of their several Stages; distinguishing those introduced from the HOUSE OF LORDS.

The SAME for the Years 1838, 1839, 1840, 1841, 1842 and 1843.

SESS. 1837–38.

1.—BILLS which commenced in the HOUSE OF COMMONS.

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Australia, South	June 21	June 21	June 25	July 4	July 7	- -	July 9	July 31.
Bankruptcy	May 18	June 13	June 18	July 4	Put off for Three Months, July 30.			
Banking Copartnerships	Feb. 6	Feb. 6	Feb. 7	Feb. 8	Feb. 9	- -	Feb. 12	Feb. 20.
Benefices Plurality	Dec. 22	Dec. 23	Feb. 2	- - May 7, 11, 14.	- - May 14; Bill as amended to be printed.	June 8	June 18	Aug. 14.
Bonded Corn	Mar. 20	Mar. 26	Put off for Six Months, May 9.					
Boundaries (Manorial)	Feb. 8	Feb. 8	March 9, and referred to Select Committee on Copyholds Enfranchisement.					
Boundaries (Municipal)	Dec. 14	Dec. 21	Bill withdrawn, March 14.					
Bribery at Elections	Feb. 9	Feb. 19	May 23	June 13	- - June 13; Bill as amended to be printed.	- - Order for further Consideration of Report dropped, June 27.		
British Manufacturers	Feb. 20	Feb. 20	April 4	Order for Committee dropped, May 16.				
Canada (Lower)	Jan. 17	Jan. 17	Jan. 22	- - Jan. 23, 25, 26.	- - Jan. 25; Bill as amended to be printed. Jan. 27.	- -	Jan. 29	Feb. 10.
Church Patronage	May 11	May 15	May 18	May 21	May 21	- -	May 22	July 4.
Civil List	Dec. 12	Dec. 12	Dec. 13	Dec. 15	Dec. 16	- -	Dec. 19	Dec. 23.
Civil List Pensions	July 31	Aug. 1	Aug. 2	Aug. 3	Aug. 4	- -	Aug. 6	Aug. 14.
Coal Trade (London)	Feb. 5	Feb. 5	Feb. 8	- - June 13; July 12.	- - June 13; Bill as amended to be printed. July 14.	- -	- - July 17;	- - Consideration of Lords' Amendments put off for Three Months, Aug. 6.
Coal Trade (London, No. 2.)	Aug. 6	Aug. 6	Aug. 6	Aug. 7	Aug. 8	- -	Aug. 9	Aug. 14.
Commissions of the Peace	Nov. 27	Nov. 27	Nov. 28	Nov. 28	Nov. 28	- -	Nov. 29	Dec. 4.
Common Fields Improvement	Dec. 12	Dec. 12	Feb. 7	Feb. 19	Feb. 20; Order for Third Reading dropped, April 25.			
Common Fields Inclosure	Dec. 12	Feb. 9	Bill withdrawn, March 21.					
Consolidated Fund	Aug. 4	Aug. 4	Aug. 6	Aug. 7	Aug. 8	- -	Aug. 9	Aug. 16.
Constables on Public Works	July 18	July 18	July 20	July 23	July 24	- -	July 25	Aug. 10.
Controverted Elections	Nov. 21	Nov. 21	Nov. 27	Dec. 8	Bill withdrawn, July 2.			
Controverted Elections	May 10	June 11	Bill withdrawn, July 2.					
Copyholds Enfranchisement	Feb. 8	Feb. 8	March 9	Bill referred to Select Committee, March 12.				
Copyholds Improvement	Feb. 8	Feb. 8	March 9, and referred to Select Committee on Copyholds Enfranchisement Bill.					
Copyright	Dec. 14	Feb. 27	April 25	- - May 9; June 6.	- - June 6; Bill as amended to be printed.	- - Further Consideration of Report put off for Three Months, June 20.		
County Courts	Mar. 1	April 11	Put off for Three Months, June 22.					
County Rates	Dec. 12	Dec. 22	Second Reading put off for Six Months, June 6.					
Courts in China	April 30	April 30	May 21	Bill withdrawn, July 28.				
Custody of Children	Dec. 14	Dec. 21	Feb. 14	April 11	May 9	- -	May 23.	- - -
Custody of Insane Persons	Nov. 28	Nov. 28	Dec. 1	Dec. 4	Dec. 5	- -	Feb. 12	March 30.
Customs	July 16	July 20	July 21	July 26	July 27	July 28	July 30	Aug. 16.
Dean Forest Encroachments	April 11	April 11	May 9	May 23	- - May 23; Bill as amended to be printed.	June 8	June 25	July 27.
Dean Forest Mines	April 11	April 11	May 9	May 23	- - May 23; Bill as amended to be printed.	June 8	June 25	July 27.
Descents	Feb. 8	Feb. 8	Order for Second Reading dropped, July 4.					
Dissenters' Declaration	Mar. 9	Mar. 9	March 12	March 13	March 13	- -	March 16	March 30
District Courts	Aug. 2	Aug. 2	Put off for Three Months, Aug. 6.					
Division of Parishes	July 9	July 9	Put off for Three Months, July 18.					
Duchies of Cornwall & Lancaster	Aug. 2	Aug. 2	Aug. 6	Aug. 7	Aug. 7	- -	Aug. 8	Aug. 14.
Duchy of Cornwall Possessions	Aug. 2	Aug. 3	Put off for Three Months, Aug. 6.					
Duchy of Cornwall Tin Duties	Aug. 4	Aug. 4	Aug. 6	Aug. 7	Aug. 8	- -	Aug. 9	Aug. 16.

(continued.)

SESS. 1837-38.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Ecclesiastical Appointments	July 16	July 16	July 23	July 24	July 27	- -	July 31	Aug. 15.
Ecclesiastical Commission	Mar. 20	April 6	Put off for Three Months, June 22.					
Election Expenses	Dec. 12	Dec. 22	Mar. 21	June 6	Not reported.			
Escheats	Feb. 8	Feb. 8	Order for Second Reading dropped, July 4.					
Exchequer Bills (£.11,413,750)	Feb. 13	Feb. 13	Feb. 14	Feb. 15	Feb. 16	- -	Feb. 19	Feb. 26.
Exchequer Bills (£.13,000,000)	May 21	May 23	May 24	May 25	May 28	- -	May 29	June 11.
Exchequer Bills (£.11,044,550)	Aug. 4	Aug 4	Aug. 6	Aug. 7	August 8	- -	Aug. 9	Aug. 14.
Exchequer Bills (Public Works)	Aug. 3	Aug. 3	Aug. 6	Aug. 7	August 8	- -	Aug. 9	Aug. 14.
Factories	April 9	April 9	Order for Second Reading dropped, June 22.					
First Fruits, &c.	Nov. 30	Nov. 30	Feb. 12	Feb. 28	March 19	- -	Mar. 23	April 11.
Four-and-a-Half per Centum Duties	Aug. 3	Aug. 3	Aug. 6	Aug. 7	August 8	- -	Aug. 9	Aug. 14.
Freemen's Admission	May 3	May 4	May 11	June 13	June 14	- -	June 15	July 4.
Gibraltar Lighthouses	July 19	July 20	July 23	July 24	July 25	- -	July 26	Aug. 4.
Glass Duties	Mar. 9	Mar. 9	Mar. 23	- - May 16; June 22.	- - May 16; Bill as amended to be printed. June 25.	- -	July 17	July 27.
Hackney Carriages	Dec. 21	Dec. 21	Feb. 7	- - April 11; June 13.	- - April 11; Bill as amended to be printed. June 22.	- -	July 4	Aug. 10.
Haileybury College	Mar. 22	Mar. 22	Mar. 29	Mar. 30	April 2	- -	April 3	May 9.
High Sheriffs	Mar. 20	Mar. 21	- - March 29, and referred to Select Committee, April 11; Reported, May 14; and ordered to be printed, as amended; Put off for Three Months, June 6.					
Highways	June 12	June 12	June 26	Put off for Three Months, July 11.				
Highway Rates	Nov. 30	Nov. 30	- - Dec. 6, and committed to Select Committee; Reported and ordered to be printed, as amended, April 30.	July 4	July 9	- -	July 16	- - -
Houses of Parliament	Dec. 4	Dec. 4	Dec. 7	Dec. 16	Dec. 16	- -	Dec. 18	Dec. 23.
Indemnity	Mar. 15	Mar. 16	Mar. 19	Mar. 22	Mar. 23	- -	Mar. 26	April 11.
Insane Persons	July 9	July 9	July 11	July 14	July 16	- -	July 17	Aug. 10.
International Copyright	Mar. 20	April 11	May 11	June 8	- - June 8; Bill as amended to be printed.	June 22	June 26	July 31.
Intimidation of Voters	Feb. 22	Mar. 1	Order for Second Reading dropped, May 16.					
IRELAND:								
Arms	June 15	June 15	June 18	Bill withdrawn, June 23.				
Arms	June 25	June 25	July 7	Order for Committee dropped, July 16.				
Arms	July 19	July 19	July 20	July 23	July 24	- -	July 25	Aug. 4.
Attorneys and Solicitors	Mar. 21	Mar. 28	Order for Second Reading dropped, July 2.					
Bank	Aug. 1	Aug. 1	Aug. 2	Aug. 3	Aug. 4	- -	Aug. 6	Aug. 10.
Boundaries of Estates	- - Reported from Select Committee on Leases and Exchanges Bill, which was divided into two Bills; Bill as amended to be printed, June 15; Bill put off for Three Months, July 11.							
Charities	Feb. 12	Feb. 19	Mar. 21	Put off for Three Months, June 6.				
Church Property	Dec. 6	Dec. 8	Put off for Six Months, February 14.					
Conacre Tenants	Jan. 23	Jan. 25	Feb. 2	Order for Committee dropped, June 20.				
Cork Sessions	Nov. 27	Dec. 7	April 4	April 9	- - April 9; Bill as amended, to be printed.	Put off for Three Months, May 23.		
Corporate Property	Aug. 7	Aug. 7	Aug. 7	Aug 8	Aug. 9	- -	Aug. 9	Aug. 14.
County of Clare Advances	July 6	July 6	July 7	July 17	July 18	Bill withdrawn, July 23.		
County of Clare Treasurer	July 23	July 23	July 24	July 26	July 27	- -	July 28	Aug. 14.
County Treasurers	July 9	July 12	July 13	July 14	July 16	- -	July 17	July 27.
County Treasurers	Aug. 3	Aug. 3	Aug. 6	Aug. 7	Aug. 8	- -	Aug. 9	Aug. 16
Court of Chancery	Mar. 5	Mar. 8	July 9	July 11, 18	July 16, 19	- -	July 21	July 31.
Custody of Insane Persons	Mar. 20	Mar. 21	Mar. 26	April 7	April 9	- -	April 11	June 11.
Dublin Corporation	Aug. 7	Aug. 7	Aug. 7	Aug. 9	Put off for Three Months, August 10.			
Dublin Police	June 25	June 25	July 6	July 11	July 12	- -	July 14	Aug. 4.
Dublin University	Aug. 9	Aug. 9	Aug. 10. And put off for the Session.					
Ecclesiastical Courts	Mar. 20	Mar. 21	Order for Second Reading dropped, May 25.					
Fines and Recognizances	Dec. 13	Dec. 13	Dec. 14	- - Order for Committee dropped, February 5.				
Fines and Recognizances	June 11	June 11	June 26	July 17	- - July 17; Bill as amended to be printed.	July 19	July 20	Aug. 14.
Fisheries	July 11	July 11	July 16	July 18	July 19	- -	July 20	Aug. 10.
Grand Juries (Dublin)	July 21	July 21, and put off for the Session.						

SESS. 1837-38.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
IRELAND—*continued.*								
Grand Jury Cess (Dublin)	Feb. 20	Feb. 20	March 26	June 1, 8 -	- - June 1; Bill as amended to be printed. June 13.	- -	June 15	July 27.
Grand Jury Presentments -	Dec. 5	Dec. 8	Bill withdrawn, Feb. 14.					
Grand Jury Presentments -	June 25	June 25	July 19	Put off for Three Months, July 26.				
Kingstown Harbour - -	April 11	April 11	May 7	May 11 -	May 18 -	Bill withdrawn, June 1.		
Kingstown Harbour - -	June 1	June 1	June 8	June 21 -	June 22 -	- -	June 23	July 27.
Leases of Lands - -	Dec. 12	Dec 18	June 13	June 15 -	June 15 -	Put off for Three Months, July 11.		
Linen Manufactures - -	June 1	June 11	June 12	June 13 -	June 18 -	- -	June 21	July 27.
Loan Societies - - -	April 9	April 9	May 3	- - June 13; July 14.	- - June 13; Bill as amended to be printed. July 16.	- -	July 20	Aug. 10.
Medical Charities - -	Feb. 6	Feb. 6	March 19	May 1, 23 -	- - May 1; Bill as amended to be printed. May 23; ditto.	Bill dropped, June 27.		
Municipal Corporations -	Dec. 5	Dec. 5	Feb. 2	- - May 29; June 1, 6, 11, 15, 18.	- - June 6; Bill as amended to be printed. June 18; Bill as amended to be printed.	- -	June 25	- - Consideration of Lords' Amendments ultimately put off for Three Months.
Oaths to Witnesses - -	Feb. 22	Mar. 2	March 9	April 11 -	May 4 -	- -	May 7	July 27.
Party Processions - -	June 15	June 15	June 18	June 22 -	June 23 -	- -	June 25	July 4.
Perpetuity Fund - -	July 16	July 16	July 23	Order for Committee dropped, July 27.				
Poor Relief - - -	Dec. 1	Dec. 1	Feb. 5	- - Feb. 9, 12, 16, 19, 23; Mar. 2, 9, 16, 19, 23, 26.	- - March 26; Bill as amended to be printed.	April 9	April 30	July 31.
Presbyterians' Oaths - -	Dec. 5	Dec. 5	Dec. 18	Dec. 19 -	Dec. 21 -	- -	Dec. 22.	
Prisoners' Conveyance -	Dec. 13	Dec. 15	Dec. 16	Dec. 18 -	Dec. 18 -	- -	Dec. 19	Dec. 23.
Registration of Voters -	Mar. 13	May 9	Put off for Three Months, July 6.					
Registration of Voters -	May 22	May 23	July 11	July 18 -	- - July 18; Bill as amended to be printed.	- - Further Consideration of Report put off for Three Months, July 18.		
Sale of Bread - - -	April 3	April 4	May 1	May 23 -	June 1 -	- -	June 11	July 4
Salmon Fisheries - -	Feb. 22	Feb. 23	Bill withdrawn, May 9.					
Sea-coast Fisheries - -	April 11	April 11	May 7	Bill withdrawn, July 23.				
Shannon Navigation - -	July 9	July 9	Put off for Three Months, July 31.					
Sheriffs - - - -	Mar. 1	Mar. 15	April 4	Order for Committee dropped, June 20.				
Spirit Licenses - - -	July 20	July 20	July 31	Aug. 3, 6 -	Aug. 9 -	- -	Aug. 10.	- - -
Tenants for Life - -	Dec. 12	Dec. 18	June 13	Put off for Three Months, July 11.				
Tithes - - - -	June 13	June 13	June 22	July 2, 10, 16, 23.	- - July 19, 23; Bill as amended to be printed.	- -	July 26	Aug. 15.
Turnpike Acts Continuance	July 19	July 19	July 20	July 23 -	July 24 -	- -	July 25	Aug. 4.
Uncultivated Lands - -	Dec. 12	Dec. 18	May 9	June 13 -	- - June 13; Bill as amended to be printed.	Put off for Three Months, July 11.		
Valuation of Lands - -	July 31	July 31	Aug. 2	Aug. 3 -	Aug. 4 -	- -	Aug. 6	Aug. 16.
Waterford House of Industry	Feb. 9	Feb. 9	Feb. 12	Feb. 13 -	Feb. 15 -	- -	Feb. 16	Feb. 26.
Joint Stock Banks - -	July 27	July 27	July 30	July 31 -	Aug. 1 -	- -	Aug. 2	Aug. 14.
Juvenile Offenders - -	April 26	May 3	June 1	June 16 -	June 18 -	- -	June 22	Aug. 10.
Kent, Duchess of - - -	Dec. 13	Dec. 13	Dec. 14	Dec. 21 -	Dec. 22 -	- -	Dec. 23	Jan. 26.
Land Tax Commissioners -	April 9	April 11	April 27	July 14 -	July 16 -	- -	July 23	July 31.
Land Tax Redemption -	July 13	July 13	July 16	July 19 -	July 20 -	- -	July 21	July 31.
Local Commissioners' Relief -	June 14	June 14	June 18	- - June 22; July 11.	- - July 11; Bill as amended to be printed.	July 16	July 19	Aug. 4.

(*continued.*)

SESS. 1837-38.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Lord's Day	Feb. 22	Feb. 22	March 21	- - May 23; June 6, 20.	- - June 6; Bill as amended to be printed.	Put off for Three Months, July 4.		
Mails on Railways	June 14	June 14	June 26	July 13, 21	- - July 13; Bill as amended to be printed. July 23.	- -	July 26	Aug. 14.
Marine Mutiny	Mar. 6	Mar. 16	March 19	Mar. 26 -	Mar. 27 -	- -	March 28	April 11.
Married Women's Chattels	Dec. 12	Dec. 21	Put off for three Months, June 6.					
Militia Ballots Suspension	July 30	July 30	July 31	Aug. 1 -	Aug. 2 -	- -	Aug. 3	Aug. 14.
Militia Pay	July 31	July 31	Aug. 2	Aug. 3 -	Aug. 4 -	- -	Aug. 6	Aug. 14.
Municipal Officers' Declaration	Nov. 24	Nov. 27	Nov. 30	Dec. 4 -	Dec. 5 -	- -	Dec. 6	Dec. 23.
Mutiny	Mar. 13	Mar. 16	March 19	Mar. 26 -	Mar. 27 -	- -	March 28	April 11.
New Zealand	June 1	June 1	Put off for Three Months, June 20.					
Parliamentary Electors	Dec. 6	Dec. 11	Dec. 13	Feb. 5 -	Feb. 9 -	- -	Feb. 19.	
Patterns and Inventions	Dec. 13	Dec. 23	Order for Second Reading dropped, June 13.					
Parochial Assessments	June 14	June 15	July 11	July 18 -	Put off for Three Months, July 26.			
Payment of Rates	Dec. 13	Feb. 5	June 21	June 22 -	June 22 -	Put off for Three Months, July 13.		
Pilotage Regulation	May 1	May 7	May 21	June 15 -	- - June 15; Bill as amended to be printed.	Put off for Three Months, July 10.		
Poor Law Loans	Mar. 19	Mar. 19	March 23	April 2, 6 -	- - April 2; Bill as amended to be printed. April 7.	- -	April 9	June 11.
Postage, Mediterranean	July 24	July 24	July 26	July 27 -	July 28 -	- -	July 30	Aug. 14.
Post Office Government	Mar. 9	July 7	July 17	July 24 -	July 27 -	- -	July 31.	
Prisons	Apr. 26	May 3	June 1	- - June 23, 25; July 13, 16.	- - June 25; Bill as amended to be printed, July 16; Bill as amended to be printed.	- -	July 21.	
Private Bills Deposits	July 30	July 30	July 31	Aug. 1, 9 -	Aug. 2, 9 -	- -	Aug. 10	Aug. 16.
Public Records	July 9	July 9	July 12	July 18 -	July 19 -	- -	July 20	Aug. 14.
Qualification of Members	Dec. 21	Dec. 21	Feb. 5	- - Feb. 8; April 3; May 16; June 8; July 4.	- - April 3; Bill as amended to be printed. May 16; Bill as amended to be printed. June 8; Bill as amended to be printed. July 4; Bill as amended to be printed.	July 7	July 11	July 27.
Rating of Tenements	Nov. 30	Dec. 4	June 21	June 22 -	- - June 22; Bill as amended to be printed.	Put off for Three Months, July 13.		
Registration of Voters	Feb. 13	Feb. 19	May 4	- - May 21, 23; June 8; July 17.	- - June 8; Bill as amended to be printed. July 19.	- -	July 24	- - Consideration of Lords' Amendments ultimately put off for Three Months, August 15.
Revenue Departments Securities.	July 9	July 9	July 13	July 14 -	July 16 -	- -	July 17	July 31.
SCOTLAND:								
Advocations	Mar. 19	April 4	April 9	May 7, 28 -	- - May 7; Bill as amended to be printed. May 28; Bill as amended to be printed.	June 1	June 8	Aug. 10.
Bankrupts' Estates	Mar. 12	Apr. 11	May 7	July 4 -	- - July 4; Bill as amended to be printed.	Put off for Three Months, July 30.		
County Election Polls	June 7	June 8	Put off for Three Months, July 4.					

SESS. 1837-38.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
SCOTLAND—*continued.*								
Court of Session - -	Dec. 11	Dec. 12	Dec. 15	- - Feb. 2, 9; Apr. 6; May 7.	- - Feb. 2, 9; Bill as amended to be printed. Apr. 6; Bill as amended to be printed. May 8.	- -	May 14	Aug. 16.
Courts of Justice Buildings	Jan. 25	Mar. 26	- - May 4, and committed to Select Committee; Reported, May 23; Further Consideration of Report put off for Three Months, June 15.					
Edinburgh & Leith Agreement	June 13	June 13	June 30	July 14 -	July 16 -	- -	July 17	July 27.
Municipal Corporations -	April 11	May 7	Order for Second Reading dropped, July 9.					
Parliamentary Burghs -	April 11	May 7	June 18	July 18 -	July 21 -	- -	July 23.	
Personal Diligence - -	April 6	April 7	May 7, 28	May 28 -	- - May 28; Bill as amended to be printed.	June 1	June 8	Aug. 16.
Prisons - - - -	Mar. 12	Mar. 12	April - 4	- - May 9, 18; July 7, 10.	- - May 9; Bill as amended to be printed. July 10; Bill as amended to be printed.	- -	July 14.	
Registration of Leases -	May 21	May 22	Put off for Three Months, July 12.					
Salmon Fisheries - -	Nov. 30	Dec. 8	Put off for Six Months, March 1.					
Salmon Fisheries - -	Mar. 23	April 4	May 9	Order for Committee dropped, June 27.				
Schools - - - -	Feb. 6	Feb. 6	May 11	June 1 -	July 17 -	- -	July 23	Aug. 10.
Sheriffs' Courts - -	Dec. 11	Dec. 12	Dec. 15	- - Feb. 2, 9; Apr. 6; May 7.	- - Feb. 5, 9; April 6; Bill as amended to be printed. May 8.	- -	May 11	Aug. 16.
Small Debts - - -	Dec. 4	Dec. 4	Feb. 28	- - May 16; June 20.	- - May 16; Bill as amended to be printed. June 20.	Put off for Three Months, July 11.		
Spirit Licenses - - -	Mar. 29	Mar. 29	May 23	June 13 -	No Report.			
Sheriffs' Courts - - -	May 4	May 7	May 11	May 18 -	May 21 -	- -	July 4.	
Ships' Mortgages - - -	Dec. 5	Dec. 21	Bill withdrawn, Feb. 2.					
Slave Trade Compensation -	Dec. 12	Dec. 12	Dec. 15	Dec. 16 -	Dec. 18 -	- -	Dec. 19	Dec. 23.
Slave Trade Treaties - -	Aug. 1	Aug. 3	Aug. 4	Aug. 6, 7 -	Aug. 7, 8 -	- -	Aug. 9	Aug. 14.
Slave Trade, Hans Towns -	Apr. 30	May 1	May 4	May 7 -	May 7 -	- -	May 8	July 27.
Slave Trade, Netherlands -	Apr. 30	Apr. 30	May 4	May 7 -	May 7 -	- -	May 8	July 27.
Slave Trade, Sicily - -	July 30	July 30	July 31	Aug. 1 -	Aug. 1 -	- -	Aug. 2	Aug. 10.
Slave Trade, Sweden - -	Apr. 30	Apr. 30	May 4	May 7 -	May 7 -	- -	May 8	July 27.
Slave Trade, Tuscany - -	July 30	July 30	July 31	Aug. 1 -	Aug. 1 -	- -	Aug. 2	Aug. 10.
Slave Vessels Captured -	May 23	May 23	May 25	June 1, 18 -	- - June 1; Bill as amended to be printed. June 21.	- -	June 25	July 27.
Spirituous Liquors, Sale of -	Mar. 29	Mar. 29	Put off for Six Months, May 23.					
Stamps - - - -	Aug. 1	Aug. 1	Aug. 2	Aug. 3 -	Aug. 3 -	- -	Aug. 6	Aug. 10.
Steam Vessels (Thames) -	May 21	May 21	May 23	Order for Committee dropped, June 22.				
Suitors' Money - - -	May 4	May 7	May 11	May 14 -	May 15 -	- -	June 18	July 27.
Sugar Duties - - -	June 16	June 16	June 18	June 25 -	June 26 -	- -	June 27	July 4.
Tenements Recovery - -	Nov. 28	Dec. 7	- - Dec. 13; referred to Select Committee; Reported, July 13.	July 18 -	July 19 -	- -	July 24	Aug. 10.
Transfer of Aids - - -	Feb. 13	Feb. 13	Feb. 14	Feb. 15 -	Feb. 16 -	- -	Feb. 19	Feb. 26.
Transfer of Funds (War Office)	July 27	July 27	July 30	July 31 -	Aug. 1 -	- -	Aug. 2	Aug. 14.
Trading Companies - -	July 9	July 9	July 12	July 16 -	July 17 -	- -	July 19.	
Turnpike Acts Continuance -	July 16	July 18	July 20	July 23 -	July 24 -	- -	July 25	Aug. 4.
Turpentine Penalties - -	May 25	May 25	June 25	July 4, 6 -	- - July 6; Bill as amended to be printed.	July 9	July 11	Aug. 10.
Vagrants - - - -	June 18	June 20	June 23	June 30 -	July 7 -	- -	July 10	July 27.
Waterloo Annuities - -	May 22	May 28	June 1	June 7 -	June 8 -	- -	June 11	July 27.
Westminster Pavements -	April 9	April 30	May 11	May 14 -	- - May 14; Bill as amended to be printed.	- - Re-committed to a Select Committee, June 13; Reported that Bill came within Standing Orders June 20.		

Sess. 1837-38.

2.—BILLS which commenced in the HOUSE OF LORDS.

NAME OF BILL.	Brought from the Lords.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Affirmations	July 31	July 31	Aug. 2	Aug. 3	Aug. 3	- -	Aug. 4	Aug. 10.
Australia, Western	June 4	June 4	July 18	July 19	July 19	- -	July 20	July 27.
Canada Indemnity	Aug. 13	Aug. 13	Aug. 13	Aug. 14	Aug. 14	- -	Aug. 15	Aug. 16.
Church Building	June 14	June 14	July 6	Aug. 7	Aug. 8	- -	Aug. 9	Aug. 15.
Clergy Residences	Mar. 22	Mar. 27	April 2	April 9	April 11	- -	April 26	May 9.
Clergy Residences Amendment	May 28	May 29	June 1	June 8	June 8	- -	June 11	July 4.
Conveyances of Estates	July 25	July 26	July 30	July 31	July 31	- -	Aug. 2	Aug. 4.
Debtors' Schedules	Aug. 14	Aug. 14	Aug. 15, and put off for the Session.					
East India Labourers	June 4	June 4	Order for Second Reading dropped, July 19.					
Forms of Pleadings	July 23	July 23	July 26	July 30	July 31	- -	Aug. 2	Aug. 14.
Heirs of Entail (Scotland)	July 20	July 20	July 25	July 27	July 27	- -	July 28	Aug. 4.
Imprisonment for Debt	June 14	June 14	July 11	July 14	July 18	- -	July 24	Aug. 16.
Judges' Jurisdiction Extension	July 20	July 20	July 23	July 24	July 24	- -	July 26	July 27.
Juries at Sessions	Dec. 14	Dec. 14	Dec. 16	Dec. 21	Dec. 21	- -	Dec. 22	Dec. 23.
New South Wales (Administration of Justice).	July 20	July 20	July 23	July 24	July 24	- -	July 25	July 27.
Oaths' Validity	June 18	July 23	July 26	Aug. 2	- - Aug. 2; Bill as amended to be printed.	Aug. 3	Aug. 6	Aug. 14.
Regency Act Amendment	May 22	May 22	May 24	May 25	May 25	- -	May 28	June 11.
Sittings in Banco	June 15	June 15	June 16	June 20	June 20	- -	June 22	July 4.
Slavery Abolition Act Amendment.	Mar. 27	Mar. 27	March 30	April 6	- - April 7; Bill as amended to be printed.	- -	April 9	April 11.
Sodor and Man Bishoprick	Mar. 20	Mar. 27	April 2	June 15	June 15	- -	June 16	July 4.
Tithes' Merger	June 4	July 4	July 11	July 16, 18	- - July 16; Bill as amended to be printed. July 19.	- -	July 23	Aug. 4.
Vestries in Churches	May 18	May 18	June 16	June 18, 30	- - June 18; Bill as amended to be printed.	Put off for Three Months, July 19.		
West India Prisons	July 25	July 26	July 28	July 30	July 31	- -	Aug. 1	Aug. 4.

Sess. 1839.

1.—BILLS which commenced in the HOUSE OF COMMONS.

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Administration of Justice (Parts of Counties).	Aug. 8	Aug. 8	Aug. 12	Aug. 14 -	Aug. 15 -	- -	Aug. 19	Aug. 26.
Admiralty Court - - -	April 18	June 21	June 28	July 15; Aug. 1	Aug. 2 -	- -	Aug. 5.	
Affirmations - - -	Feb. 8	Feb. 8	Feb. 15	Put off for Six Months, Feb. 22.				
Assessed Taxes Composition -	July 6	July 6	July 8	July 17 -	July 18 -	- -	July 19	July 29.
Bastardy - - - -	July 22	July 23	July 26	Aug. 6 -	Aug. 8 -	- -	Aug. 9	Aug. 26.
Bills of Exchange - - -	June 6	June 6	June 10	June 13 -	June 13 -	- -	June 14	- - Consideration of Lords' Amendments put off for Three Months, July 22.
Bills of Exchange (No. 2) -	July 1	July 1	July 3	July 4 -	July 5 -	- -	July 6	July 29.
Birmingham Police - -	July 23	July 23	July 24	Bill withdrawn, Aug. 2.				
Birmingham Police (No. 2) -	Aug. 2	Aug. 2	Aug. 7	Aug. 9 -	Aug. 12 -	- -	Aug. 13	Aug. 26.
Bolton Police - - -	Aug. 7	Aug. 7	Aug. 9	Aug. 13 -	Aug. 14 -	- -	Aug. 15	Aug. 27.
Borough Watch Rates - -	Feb. 25	Feb. 25	June 4	June 12 -	- - June 12; Bill as amended to be printed.	June 24	June 28	July 19.
Bricks - - - - - -	Mar. 19	Mar. 27	April 12	- - June 14; July 3.	- - June 14; Bill as amended to be printed. July 4.	- -	July 5	July 19.
Canada (Lower) - - -	June 13	June 19	July 4	July 11 -	July 15 -	- -	July 18	Aug. 17.
Canada Reunion - - -	June 13	June 20	Order for Second Reading dropped, July 1.					
Clerks of the Peace - -	Feb. 25	Mar. 4	Mar. 20	June 5 -	- - June 5; Bill as amended to be printed.	June 7	June 10.	
Collection of Rates - -	June 13	June 13	Put off for Three Months, July 26.					
Consolidated Fund - -	April 8	April 8	April 9	April 12 -	April 15 -	- -	April 16	April 19.
Consolidated Fund (Appropriation).	Aug. 12	Aug. 12	Aug. 13	Aug. 14 -	Aug. 19 -	- -	Aug. 20	Aug. 27.
Copyholds Enfranchisement -	Feb. 21	Mar. 4	Mar. 19	- - Mar. 22; June 5, 12.	- - Mar. 22; Bill as amended to be printed. June 5; Bill as amended to be printed. June 13.	- -	July 3.	
Copyright - - - -	Feb. 12	Feb. 12	Feb. 27	May 1 -	Bill put off for Three Months, July 8.			
County Constables - -	July 24	July 29	Aug. 6	Aug. 7, 8 -	- - Aug. 7; Bill as amended to be printed. Aug. 9; Bill as amended to be printed.		- - Aug. 14 15.	Aug. 27.
County Courts - - -	Feb. 11	Mar. 1	- - May 31, and committed to Select Committee; Reported, and ordered to be printed, July 8.	Put off for Three Months, July 22.				
Custody of Infants - -	April 25	April 25	May 30	June 12 -	June 13 -	- -	June 28	Aug. 17.
Designs Copyright - -	Feb. 21	Feb. 21	Mar. 4	April 12 -	April 15 -	- -	April 17	June 14.
Designs Copyright Extension -	Feb. 21	Feb. 21	Mar. 4	April 12 -	April 15 -	- -	April 17	June 4.
District Prisons - - -	Feb. 11	Feb. 25	April 8	April 29 -	Bill withdrawn, June 7.			
District Sessions - - -	Feb. 11	Mar. 1	Put off for Three Months, June 7.					
Double and Treble Costs -	Feb. 28	Mar. 1	Mar. 25	- - April 24; June 6.	June 7 -	- -	June 10.	
Drainage of Lands - -	Mar. 18	Mar. 18	- - April 24, and committed to Select Committee; Reported, and Bill ordered to be printed as amended, July 17.					
Durham Court of Pleas -	Mar. 12	Mar. 12	April 24	May 1 -	May 2 -	- -	May 3	June 14.
Ecclesiastical Duties and Revenues.	Feb. 14	Feb. 18	Feb. 25	Put off for Three Months, Aug. 2.				
Ecclesiastical Preferments' Suspension.	July 1	July 3	July 11	July 15 -	July 17 -	- -	July 19	Aug. 17.
Election Petitions' Trial -	Feb. 14	Mar. 4	Mar. 22	- - April 26; June 6, 28.	- - June 28; Bill as amended to be printed.	July 4	July 8	Aug. 17.

(continued.)

SESS. 1839.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Electors' Removal - -	May 30	May 30	June 5	June 12 -	June 12 -	- -	June 27.	
Exchequer Bills (£.13,000,000)	April 29	April 29	May 1	May 2 -	May 3 -	- -	May 6	May 14.
Exchequer Bills Funding -	Aug. 20	Aug. 20	Aug. 21	Aug. 22 -	Aug. 23 -	- -	Aug. 24	Aug. 27.
Exchequer Bills (£.12,056,050)	Aug. 12	Aug. 12	Aug. 13	Aug. 14 -	Aug. 19 -	- -	Aug. 20	Aug. 27.
Excise Licenses - - -	July 18	July 18	July 19	Aug. 9 -	- - Aug. 9; Bill as amended to be printed.	Aug. 12	Aug. 13.	
Factories - - - - -	Feb. 14	Feb. 14	Feb. 25	July 1, 6, 20	- - July 20; Bill as amended to be printed.	Put off for Three Months, July 26.		
Fisheries (France and England)	Aug. 23	Aug. 23	Aug. 23	Aug. 23 -	Aug. 23 -	- -	Aug. 24	Aug. 27.
Glass Duties - - -	July 1	July 1	July 4	July 5 -	July 5 -	- -	July 6	July 19.
High Sheriffs' Expenses -	April 23	April 24	May 1	June 5 -	June 10 -	- -	June 13.	
Highways - - - - -	Feb. 8	Feb. 8	Feb. 18	- - Mar. 6, 20; April 24, Committee report progress.	- - Mar. 20; Bill as amended to be printed.			
Highway Rates - - -	June 19	June 19	June 27	July 24 -	July 31 -	- -	Aug. 1	Aug. 24.
Imprisonment for Debt -	April 11	April 11	April 22	- - April 29; Bill ordered to be printed, May 1; June 13.	June 14 -	- -	June 17	Aug. 17.
Indemnity - - - - -	June 28	June 28	July 4	July 11 -	July 12 -	- -	July 15	July 29.
Inland Warehousing - -	June 28	July 1	July 5	July 19 -	July 19 -	- -	July 22.	
IRELAND:								
Assaults - - - - -	July 18	July 18	July 20	July 24, 31	- - July 24; Bill as amended to be printed. Aug. 1.	- -	Aug. 2	Aug. 24.
Attornies and Solicitors -	Aug. 14	Aug. 14	Second Reading put off for Six Weeks.					
Bank - - - - -	Aug. 1	Aug. 2	Aug. 8	Aug. 14, 15, 23	- - Aug. 23; further Consideration of Report put off for Three Months; Bill as amended to be printed.			
Bank (No. 2) - - -	Aug. 20	Aug. 20	Aug. 21	Aug. 22 -	Aug. 23 -	- -	Aug. 24	Aug. 27.
Bankrupts - - - -	Mar. 5	Mar. 5	Mar. 20	June 3, 13, 24	- - June 3, Bill as amended to be printed. June 13, Bill as amended to be printed. June 28.	- -	July 1	Aug. 26.
Constabulary Force - -	July 10	July 11	July 19	July 31 -	Aug. 2 -	- -	Aug. 5	Aug. 24.
Corporate Property - -	Aug. 12	Aug. 12	Aug. 13	Aug. 14 -	Aug. 15 -	- -	Aug. 17	Aug. 24.
Dublin Police - - -	July 18	July 20	July 25	- - July 29; Aug. 2.	- - July 29; Bill as amended to be printed, Aug. 5.	- -	Aug. 6	Aug. 24.
Ecclesiastical Courts -	Feb. 21	June 21	Put off for Three Months, August 2.					
Embankments - - -	July 4	July 8	Put off for Three Months, July 22.					
Fines - - - - -	July 12	July 12	July 19	July 22 -	July 22 -	- -	July 24	Aug. 27.
Grand Jury Cess - -	July 17	July 17	July 19	July 29 -	July 30 -	- -	- - Order for Third Reading dropped, Aug. 9.	
Imprisonment for Debt -	Aug. 21	Aug. 21, and Second Reading put off for Six Weeks.						
Joint Tenants Voting -	June 4	June 6	June 13	June 21 -	- - June 21; Bill as amended to be printed.	June 28	July 4.	
Jurors - - - - -	July 18	July 18	July 20	July 22 -	July 25 -	- -	July 26	Aug. 17.
King's Inns (Dublin) -	Aug. 14	Aug. 14, and Second Reading put off for Six Weeks.						
Linen Manufactures - -	June 28	June 28, and Second Reading put off for Six Weeks.						
Loan Fund - - -	June 20	June 21	June 28	Put off for Three Months, July 17.				

SESS. 1839.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
IRELAND—*continued.*								
Municipal Corporations	Feb. 14	Feb. 19	Mar. 8	-- April 19; June 28; July 4, 8.	-- April 19; Bill as amended to be printed. July 8.	- -	July 15	- - Consideration of Lords' Amendments put off for Three Months, August 12.
Poddle River	Aug. 7	Aug. 7	Put off for Three Months, August 19.					
Polls at Elections	Mar. 5	Mar. 22	Order for Second Reading dropped, June 5.					
Poor Relief	Feb. 12	Feb. 12	Feb. 15	Feb. 18 -	Feb. 19 -	- -	Feb. 21	Mar. 15.
Public Works	June 17	June 24	June 27	-- June 28; July 24.	July 26 -	- -	July 29	Aug. 17.
Registration of Voters	Mar. 5	Mar. 22	Order for Second Reading dropped, June 5.					
Sale of Spirits	July 17	July 17	July 18	Put off for Three Months, August 5.				
Sale of Spirits (No. 2)	July 18	July 18	July 20	July 31 -	Aug. 2 -	- -	Aug. 5	Aug. 24
Shannon Navigation	June 17	June 17	June 28	July 17 -	July 24 -	- -	July 26	Aug. 17.
Sheep Stealers	July 18	July 18	July 20	July 24, 31	-- July 24; Bill as amended to be printed. Aug. 1.	- -	Aug. 2.	
Tithe Compositions	Mar. 5	Mar. 8	Mar. 13	Mar. 18 -	Mar. 19 -	- -	Mar. 20	Mar. 27.
Unlawful Oaths	July 15	July 15	July 18	July 19 -	July 20 -	- -	July 22	Aug. 24.
Waterford Fever Hospital	Mar. 5	Mar. 5	Mar. 22	-- May 3; June 7, 10.	-- May 3; Bill as amended to be printed. June 7; Bill as amended to be printed. June 12.	- -	June 13	July 1.
Jamaica Government	April 9	April 9	April 22	May 6; Order for Committee dropped, May 30.				
Jamaica Laws	May 30	May 31	June 7	June 10 -	June 13 -	- -	June 19	July 19.
Joint Stock Banking	Aug. 7	Aug. 7	Aug. 8	Aug. 9 -	Aug. 12 -	- -	Aug. 13	Aug. 24.
Judges' Lodgings	July 17	July 17	July 19	July 22 -	July 22 -	- -	July 25	Aug. 24.
Land Tax, Double Assessments	April 25	April 25	Put off for Three Months, June 28.					
Manchester Police	Aug. 7	Aug. 7	Aug. 9	Aug. 13 -	Aug. 14 -	- -	Aug. 15	Aug. 26.
Marine Mutiny	Mar. 13	Mar. 22	Mar. 25	April 8 -	April 9 -	- -	April 11	April 19.
Marlborough, Duke of	Aug. 14	Aug. 17	Aug. 19	Aug. 20 -	Aug. 21 -	- -	Aug. 23	Aug. 27.
Metropolis Improvements	July 12	July 17	-- July 24, and committed to a Select Committee; reported; Bill as amended to be printed. July 31.	Aug. 7 -	Aug. 8 -	- -	Aug. 9	Aug. 24.
Metropolis Police	Feb. 11	Feb. 25	June 3	-- June 10, 13; July 10.	July 12 -	July 15	July 17	Aug. 17.
Metropolitan Police Courts	Feb. 21	Feb. 25	June 3	-- July 19, 26, 31.	Aug. 5 -	- -	Aug. 6	Aug. 24.
Metropolitan Sewers	April 23	Aug. 1	Order for Second Reading dropped, August 8.					
Militia Ballots Suspension	July 19	July 19	July 22	July 24 -	July 25 -	- -	July 26	Aug. 17.
Militia Pay	Aug. 6	Aug. 6	Aug. 7	Aug. 8 -	Aug. 9 -	- -	Aug. 12	Aug. 24.
Mutiny	Mar. 19	Mar. 22	Mar. 25	April 8 -	April 9 -	- -	April 11	April 19.
New South Wales	July 11	July 12	July 18	July 22 -	July 24 -	- -	Aug. 5	Aug. 24.
Paper	Mar. 19	Mar. 27	April 12	-- June 6; July 3.	-- June 6; Bill as amended to be printed, July 4.	- -	July 5	July 19
Patterns and Inventions	Feb. 19	Feb. 19	Put off for Three Months, July 10.					
Payment of Rates	June 18	June 21	Put off for Three Months, July 31.					
Pleadings in Courts (India)	June 24	June 24	July 1	July 5 -	July 8 -	- -	July 10	July 29
Poor Law Commission	June 13	June 13	July 15	-- July 29; Aug. 7.	Aug. 8 -	- -	Aug. 9	Aug. 26.
Poor Rates Collection	July 20	July 22	July 31	Aug. 7 -	Aug. 8 -	- -	Aug. 12	Aug. 26
Post Office	July 12	July 18	July 22	July 24 -	July 26 -	- -	July 29	Aug. 17.
Prisons	Feb. 11	Feb. 25	April 8	-- April 29; May 2, 31.	-- May 31; Bill as amended to be printed.	June 7	June 21	Aug. 17.
Purchasers' Protection	Feb. 12	April 15	April 29	May 2 -	May 3 -	- -	May 6	June 4.
Rating of Tenements	Mar. 13	Mar. 27	April 24	Put off for Six Months, June 12.				
Registers of Births	Feb. 8	Feb. 8	Feb. 15	Feb. 25 -	-- Feb. 25; Bill as amended to be printed.	June 27	July 18.	
Registration, Court of Appeal	June 12	June 12	June 21	Put off for Three Months, July 22.				
Registration of Electors	Feb. 8	Feb. 8	Feb. 15	Put off for Three Months, June 14.				
Sale of Beer	Mar. 5	Mar. 7	Mar. 20	-- June 27; July 3.	-- June 27; Bill as amended to be printed.	- - Put off for Three Months, July 29.		

(*continued.*)

SESS. 1839.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
SCOTLAND:								
Bankrupts' Estates	Feb. 12	Feb. 14	Feb. 22	-- April 8; June 21.	-- April 8; Bill as amended to be printed. June 24.	- -	June 28	Aug. 17.
Fictitious Votes	April 11	April 15	Put off for Three Months, June 27.					
Heritable Securities	Feb. 12	Mar. 25	Put off for Three Months, June 27.					
Judges' Salaries, &c.	Feb. 18	Feb. 18	Feb. 25	April 12 -	-- April 16; Bill as amended to be printed.	-- June 10; Bill as amended to be printed.	July 3	July 29.
Prisons	Feb. 12	Feb. 12	Feb. 22	-- April 12; May 31; June 20; July 3.	-- June 20; Bill as amended to be printed. July 4.	- -	July 5	Aug. 17.
Registration of Electors	April 11	April 15	Put off for Three Months, June 27.					
Registration of Leases	Feb. 12	April 8	Put off for Three Months, June 27.					
Rogue Money Assessment	July 31	July 31	Aug. 5	Aug. 7 -	-- Aug. 8; Bill as amended to be printed.	- -	Aug. 12	Aug 24.
Salmon Fisheries (No. 1,)	Feb. 7	Feb. 11	Put off for Six Months, Feb. 25.					
Salmon Fisheries (No. 2.)	Feb. 7	Feb. 11	Order for Second Reading dropped, Feb. 25.					
Spirit Licenses	Feb. 12	Feb. 12	Order for Second Reading dropped, May 28.					
Writs	Feb. 12	Mar. 25	Put off for Three Months, June 27.					
Seditious Societies	April 16	April 16	April 26	-- April 29; May 2.	-- April 29; May 3.	May 2	May 6	June 4.
Sewers	Feb. 18	Mar. 27	April 29	June 12 -	-- June 12; Bill as amended to be printed.	-- Referred to Select Committee, June 18.		
Slave Trade, Portugal	July 10	July 10	July 15	July 17, 18	-- July 18; Bill as amended to be printed.	-- July 22; Bill as amended to be printed.	July 25.	
Slave Trade Suppression	Aug. 8	Aug. 8	Aug. 9	Aug. 9 -	Aug. 9 -	- -	Aug. 12	Aug. 24.
Slave Trade Treaties	July 25	July 25	July 29	July 30 -	July 31 -	- -	Aug. 2	Aug. 17.
Small Tenements	June 18	June 18	Put off for Three Months, July 19.					
Soap Duties	July 6	July 6	July 8	July 11 -	July 12 -	- -	July 15	July 29.
Soap Duties (No. 2.)	July 24	July 24	July 26	July 30 -	July 31 -	- -	Aug. 9	Aug. 24.
Soldiers' Pensions	June 18	June 21	July 3	July 17 -	-- July 17; Bill as amended to be printed.	July 24	July 25	Aug. 17.
Stage Carriages	July 22	July 22	July 24	Aug. 7 -	Aug. 8 -	- -	Aug. 9	Aug. 24.
Stannaries, Cornwall	June 13	June 13	June 21	July 3 -	July 4 -	- -	July 8	Aug. 17.
Sugar Duties	June 13	June 13	June 18	June 24 -	June 27 -	- -	June 28	July 4.
Summary Jurisdiction	Feb. 11	April 11	June 3	July 18 -	Order for Committee dropped, July 19.			
Timber Ships	July 8	July 8	July 17	July 18 -	July 19 -	- -	July 20	Aug. 17.
Town Councils	July 1	July 4	Put off for Three Months, July 12.					
Transfer of Aids	Feb. 28	Mar. 1	Mar. 4	Mar. 5 -	Mar. 6 -	- -	Mar. 7	Mar. 15.
Turnpike Acts Continuance	July 1	July 1	July 4	July 8 -	July 10 -	- -	July 11	July 29.
Turnpike Road Tolls	July 17	July 17	July 19	July 22 -	July 24 -	- -	July 25	Aug. 17.
Turnpike Road Trusts	June 11	June 24	Bill withdrawn, July 3.					
Windsor Castle Stables	June 6	June 6	June 10	June 13 -	June 14 -	- -	June 17	July 1.
Wellington, Duke of	Mar. 18	Mar. 18	Mar. 19	Mar. 20 -	Mar. 22 -	- -	Mar. 22	Mar. 27.

Sess. 1839.

2.—BILLS which commenced in the HOUSE OF LORDS.

NAME OF BILL.	Brought from the Lords.	Read 1o.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Bankrupt Liability - -	June 28	June 28	July 1	July 4 -	July 4 -	- -	July 5	July 19.
Bishops' Residences - -	May 14	May 31	June 7	June 10 -	June 10 -	- -	June 12	July 1.
Borough Courts - - -	Mar. 1	Mar. 1	Mar. 25	June 3 -	June 4 -	- -	June 5	
Borough Courts, No. 2. -	June 21	June 21	June 24	June 28 -	July 1 -	- -	July 4	July 19.
Church Discipline - -	July 29	July 30	Aug. 2	Put off for Three Months, August 14.				
Courts in Counties - -	Aug. 6	Aug. 7	Aug. 9	Aug. 14 -	Aug. 15 -	- -	Aug. 19	Aug. 24.
Ecclesiastical Appointments -	Mar. 8	Mar. 8	March 22	Mar. 25 -	Mar. 27 -	- -	April 9	May 14.
Ecclesiastical Districts - -	July 11	July 11	July 17	July 24 -	July 25 -	- -	July 31	Aug. 17.
Exchequer of Pleas - -	June 10	June 15	June 24	June 27 -	June 27 -	- -	June 28	July 4.
Exeter, Dean of - - -	May 6	May 28	May 30	May 31 -	May 31 -	- -	June 3	June 4.
Highways - - - - -	July 11	July 15	July 18	July 20 -	July 22 -	- -	July 24	Aug. 17.
Highways and Turnpike Roads	July 23	July 24	July 25	July 29 -	July 30 -	- -	July 31	Aug. 17.
Parochial Cure of Souls -	June 28	June 28	July 3	July 8 -	July 11 -	- -	July 12	July 19.
Patents for Inventions - -	Aug. 2	Aug. 7	Aug. 9	Aug. 12 -	Aug. 13 -	- -	Aug. 14	Aug. 24.
Prisoners' Trial - - -	Aug. 6	Aug. 7	Aug. 9	Put off for Three Months, August 19.				
Real Estates Liability - -	Aug. 6	Aug. 7	Aug. 9	Aug. 12 -	Aug. 12 -	- -	Aug. 13	Aug. 17.
Sheriffs' Exemption - -	Aug. 2	Aug. 7	Aug. 9	Aug. 12 -	Aug. 12 -	- -	Aug. 13	Aug. 17.
Tithes Commutation - -	July 29	July 30	Aug. 1	Aug. 9 -	Aug. 12 -	- -	Aug. 13	Aug. 17.

Sess. 1840.

1.—BILLS which commenced in the HOUSE OF COMMONS.

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent
Administration of Justice (Birmingham).	July 31	July 31	Aug. 1	Aug. 3 -	Aug. 4 -	- -	Aug. 5.	
Admiralty Court - - -	Mar. 27	April 1	April 6	April 13 -	May 22 -	- -	June 23	Aug. 7
Admiralty Court (Judges' Salary, &c.)	Mar. 31	April 1	April 6	April 13 -	May 22 -	June 5	June 22	Aug. 7
Affirmation - - - - -	May 28	June 2	July 15	July 22 -	July 23 -	- -	July 24	
Assessed Taxes Composition -	July 7	July 7	July 10	July 13 -	July 16 -	- -	July 17	Aug. 4
Beer, Sale of - - -	Feb. 4	Feb. 6	- - Bill withdrawn, notice being taken that it ought to have originated in Committee of the whole House, February 19.					
Beer, Sale of (No. 2.) - -	Feb. 26	Mar. 2	Mar. 31	- - May 22, June 10.	- - May 22; Bill as amended to be printed. July 8.	- -	July 9	Aug. 7
Borough Watch Rates - -	Mar. 5	Mar. 27	June 2	June 17 -	June 19 -	- -	June 23	July 23
Bribery and Treating - -	May 28	July 13	Put off for Three Months, July 31.					
Canada Clergy Reserves -	May 28	June 1	June 15	July 16, 20	- - July 16; Bill as amended to be printed. July 23; Bill as amended to be printed.	- -	July 29	Aug. 7
Canada Government - -	Mar. 23	April 2	April 13	May 29 -	- - June 1; Bill as amended to be printed.	- -	June 12	July 23
Canal Police - - -	June 23	June 29	July 3	July 6 -	July 18 - -	- -	July 20	Aug. 4
Chancery, Masters in - -	June 18	June 18	June 22	June 23 -	June 26 -	- -	July 2	July 23
Charitable Lands Exchange -	July 8	July 9, and put off for the Session.						
Chimney Sweepers - -	April 14	April 14	May 1	June 25 -	June 26 -	- -	June 29	Aug. 7
Coal Duties (London) - -	July 29	July 29	July 31	Aug. 7 -	Aug 7 -	- -	Aug. 8	Aug. 17
Colonial Passengers - -	Feb. 4	Feb 6	Feb. 13	June 4 -	June 5 -	- -	June 22	July 3
Commerce and Navigation -	July 6	July 8	July 16	July 23 -	July 23 -	- -	July 24	Aug. 10
Consolidated Fund (£.8,000,000)	Mar. 23	Mar. 23	Mar. 24	Mar. 25 -	Mar. 26 -	- -	Mar. 27	April 3
Consolidated Fund (£.6,482,500)	July 29	July 30	July 31	Aug. 1 -	Aug. 3 -	- -	Aug. 4	Aug. 11
Constabulary - - -	Mar. 24	Mar. 24	July 22	Put off for Three Months, July 29.				
Copyright - - - -	Feb. 4	Feb. 11	Feb. 19	Put off for Three Months, July 8.				
County Constabulary - -	Feb. 18	Mar. 17	Mar. 30	- - May 15; June 18, 25.	- - May 15; Bill as amended to be printed. June 25; Bill as amended to be printed.	July 6	July 16	Aug.
Customs - - - -	July 16	July 17	July 23	Put off for Three Months, July 29.				
Customs, &c. Duties - -	May 19	May 20	May 22	June 1 -	June 4 -	- -	June 5	June 19
Designs Copyright - -	Jan. 21	Jan. 21	- - Feb. 5, and referred to Select Committee.	- - Bill withdrawn; notice being taken that it ought to have originated in a Committee of the whole House, March 13.				
Dog Carts - - - -	July 23	July 23	Put off for Three Months, July 24.					
Drainage of Lands - -	Feb. 11	Mar. 2	Mar. 23	July 8 -	July 22 -	- -	July 29.	
Ecclesiastical Courts - -	July 30	July 30	July 31	Aug. 1 -	Aug. 3 -	- -	Aug. 5	Aug. 11
Ecclesiastical Courts (No. 2.)	July 30	July 30	July 31	Put off for Three Months, Aug. 1.				
Ecclesiastical Duties and Revenues.	Jan. 21	Feb. 5	April 6	- - June 15, 29; July 3, 6, 9, 16.	- - July 9; Bill as amended to be printed. July 16; Bill as amended to be printed.	- -	July 20	Aug. 11

SESS. 1840.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Elections, Notice of	July 18	July 18	July 20	July 25	--July 25; Bill as amended to be printed.	July 30	July 31	Aug. 7.
Exchequer Bills (£.11,000,000)	April 14	April 15	May 1	May 5	May 6	- -	May 8	May 19.
Exchequer Bills (£.10,751,550)	July 29	July 30	July 31	Aug. 1	Aug. 3	- -	Aug. 4	Aug. 10.
Exchequer Bills (Public Works)	Mar. 31	April 1	April 2	April 8	April 9	- -	April 10	April 14.
Fisheries	July 18	July 18	July 20	July 23	July 24	- -	July 25	Aug. 7.
Friendly Societies	July 6	July 6	July 10	July 13	July 16	- -	July 17	Aug. 7.
Glass Duties	Mar. 31	April 14	May 15	June 15	--June 15; Bill as amended to be printed.	June 25	June 26	July 3.
Goods on Canals	June 23	June 23	June 29	Bill withdrawn, July 13.				
Grammar Schools	Feb. 4	Feb. 11	--Apr. 14; Bill committed to a Select Committee, May 1; Reported; Bill as amended to be printed, June 17.	June 30	July 2	- -	July 6	Aug. 7.
Highway Rates	July 31	July 31	Aug. 1	Aug. 3	Aug. 4	- -	Aug. 5	Aug. 10.
Inclosure of Open Fields, &c.	May 18	May 18	June 2	June 4, 18	--June 4; Bill as amended to be printed, June 18.	- -	June 22	July 23.
Indemnity	May 18	May 18	May 21	May 22	May 26	- -	May 29	June 19.
Inland Warehousing	Feb. 4	Feb. 4	Put off for Three Months, July 27.					
Insolvent Debtors (India)	July 17	July 17	July 20	July 24	July 25	- -	July 27	Aug. 7.
IRELAND:								
Administration of Justice	Jan. 24	Jan. 24	Mar. 18	Order for Committee dropped, June 29.				
Apothecaries' Hall	July 7	July 7	Order for Second Reading dropped, July 14.					
Arms and Gunpowder	June 18	June 18	June 22	June 25	June 26	- -	June 29	July 23.
Attornies, &c., Admission	July 22	July 22	July 24	July 25	July 27	- -	July 29	Aug. 7.
Bank of Ireland	July 16	July 18	July 21	July 29	July 30	- -	July 31	Aug. 7.
Capital Punishments	July 17	July 17	Put off for Three Months, July 29.					
Church Temporalities	July 10	July 15	July 20	July 23	July 24	- -	July 27	Aug. 10.
Civil Bill Courts	June 23	June 23	July 27	Order for Committee dropped, Aug. 11.				
Court Houses	July 7	July 9	July 16	July 18	July 22	- -	July 27	Aug. 10.
Court of Chancery	July 18	July 18	Put off for Three Months, July 22.					
Drainage of Lands, &c.	June 18	June 30	--July 17; and committed to a Select Committee; Reported; Bill as amended to be printed, Aug. 1.	Order for Committee dropped, Aug. 3.				
Dublin Police	July 30	July 30	July 31	Aug. 1	Aug. 3	- -	Aug. 4	Aug. 10.
Ejectment and Replevin	Jan. 24	Jan. 24	Put off for Three Months, June 22.					
Exchequer, Court of	July 7	July 7	July 16	Put off for Three Months, July 22.				
Flour Importation	Jan. 28	Jan. 28	Feb. 14	May 5	May 5	Put off for Six Months, June 22.		
Grand Jury Cess	April 10	April 13	May 6	June 4	June 5	- -	June 11.	
Grand Jury Cess (No. 2.)	July 9	July 9	July 16	Put off for Three Months, July 21.				
Imprisonment for Debt	April 13	April 15	May 6	--June 4; July 18.	--June 4; Bill as amended to be printed, July 20.	- -	July 21	Aug. 10.
Insolvent Debtors' Acts	April 1	April 1	April 13	April 14	April 15	- -	May 1	May 19.
Insolvent Debtors' Relief	July 7	July 7	July 16	July 18, 21	July 22	- -	July 23	Aug. 10.
Lagan Navigation	July 6	July 6	July 16	Put off for Three Months, July 22.				
Linen, &c., Manufactures	July 15	July 18	July 20	July 23, 30	Aug. 3	- -	Aug. 4	Aug. 10.
Mendicancy	Mar. 19	Mar. 20	Put off for Six Months, June 4.					

(*continued.*)

Sess. 1840.——1. Bills which commenced in the House of Commons—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Ireland—*continued.*								
Municipal Corporations -	Jan. 27	Feb. 3	Feb. 14	-- Feb. 24, 28; Mar. 3.	-- Mar. 3; Bill as amended to be printed.	- -	Mar. 9	Aug. 10.
Municipal Districts - -	July 21	July 22	July 23	July 24 -	July 25 -	- -	July 27	Aug. 10.
Newgate Gaol (Dublin) -	July 6	July 6	July 10	July 13 -	-- July 13; Bill as amended to be printed.	July 17	July 18	Aug. 4.
Parliamentary Franchise -	July 29	July 31, and put off for the Session.						
Poddle River - - -	Mar. 9	Mar. 10	-- Apr. 13, and committed to a Select Committee; reported July 22.	July 23 -	July 24 -	- -	July 25	Aug. 7.
Population - - -	July 7	July 7	July 10	July 27, 29	-- July 27; Bill as amended to be printed. July 30.	- -	July 31	Aug. 10.
Prisons - - - -	July 7	July 7	July 10	July 13 -	July 17 -	- -	July 20	Aug. 4.
Qualification of Voters -	May 28	June 6	Order for Second Reading dropped, July 6.					
Registration of Voters -	Feb. 25	Mar. 6	Mar. 26	-- May 20, June 11, 19, 26.	Order for Committee discharged, July 6.			
Registration of Voters (No. 2)	May 26	June 2	Order for Second Reading dropped, July 6.					
Roscommon Townlands -	June 19	June 22	July 24	July 27 -	July 27 -	- -	July 30	Aug. 7.
Stage Carriages - -	Feb. 6	Feb. 7	Order for Second Reading dropped, June 29.					
Tithe Composition - -	Mar. 19	Mar. 19	Mar. 24	Mar. 27 -	April 10 -	- -	April 11	May 19.
Turnpike Acts Continuance	July 20	July 20	July 21	July 22 -	July 23 -	- -	July 24	Aug. 4.
Isle of Man - - - -	June 11	June 11	June 15	June 23 -	June 29 -	- -	July 3	Aug. 7.
Joint Stock Banking Companies.	July 10	July 10	July 13	July 24 -	-- July 24; Bill as amended to be printed.	July 27	July 31	Aug. 11.
Juvenile Offenders - -	Feb. 4	Feb. 5	-- Feb 26, and committed to a Select Committee; reported April 8; Bill as amended to be printed.	-- April 29, May 27, June 2.	-- June 2; Bill as amended to be printed.	July 13	July 16.	
Lime Toll - - - -	July 9	July 10	July 16	July 20 -	July 21 -	- -	July 27	Aug. 4.
Loan Societies - - -	April 9	April 9	June 10	-- June 25, July 15.	-- June 25; Bill as amended to be printed, July 22.	- -	July 29	Aug. 11.
Marine Mutiny - - -	Feb. 24	Mar. 12	Mar. 13	Mar. 17 -	Mar. 18 -	- -	Mar. 19	April 3.
Marriages - - - -	May 28	May 29	June 17	July 8, 15 -	-- July 8; Bill as amended to be printed. July 22; Bill as amended to be printed.	- -	July 25	Aug. 7.
Medical Profession - -	Aug. 10	Aug. 11, and put off for the Session.						
Metropolis Improvement -	June 29	July 7	-- July 15, and committed to a Select Committee; reported July 23.	July 24 -	July 25 -	- -	July 27	Aug. 7.
Metropolis Improvement (No. 2)	July 20	July 27	July 29	Bill committed to a Select Committee, Aug. 3.				
Militia Ballot Suspension -	July 23	July 29	July 30	July 31 -	Aug. 1 -	- -	Aug. 3	Aug. 7.
Militia Pay - - - -	July 27	July 29	July 30	July 31 -	Aug. 1 -	- -	Aug. 3	Aug. 7.
Mutiny - - - -	Mar. 10	Mar. 12	Mar. 13	Mar. 17 -	Mar. 18 -	- -	Mar. 19	April 3.
Mutiny, East India -	June 15	June 15	June 26	July 10 -	July 13 -	- -	July 16	Aug. 4.

SESS. 1840.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1o.	Read 2o.	Considered in Committee.	Reported.	Report further considered,	Read 3o.	Royal Assent.
New South Wales, &c.	June 30	July 6	Put off for Three Months, July 13.					
New South Wales, &c. (No. 2)	July 13	July 22	July 24	July 25	July 27	- -	July 29	Aug. 7.
Parliamentary Boroughs	July 6	July 6	July 10	July 13	July 16	- -	July 17	Aug. 4.
Parochial Assessments	Mar. 17	April 1	June 17	July 8, 29	- - July 8; Bill as amended to be printed. July 30.	- -	July 31.	
Pilotage	May 5	May 8	July 17	July 18	- - July 18; Bill as amended to be printed.	July 23	July 27	Aug. 7.
Police Rates Assessments	April 15	April 15	June 4	June 18	June 19	- -	June 22	July 23.
Poor Law Amendment	April 13	April 14	Put off for Three Months, June 29.					
Poor Law Commission	April 13	April 14	June 29	July 9	July 10	- -	July 21	Aug. 4.
Population	May 21	June 1	June 18	July 13, 29	- - July 13; Bill as amended to be printed. July 31.	- -	Aug. 1	Aug. 10.
Postage Duties	July 18	July 18	July 21	- - July 30; Aug. 1.	- - July 30; Bill as amended to be printed. Aug. 3.	- -	Aug. 4	Aug, 10.
Prince Albert's Annuity	Jan. 28	Jan. 30	Jan. 31	Feb. 3	Feb. 4	- -	Feb. 5	Feb. 7.
Printed Papers	Mar. 6	Mar. 6	Mar. 9	Mar. 13	- - Mar. 17; Bill as amended to be printed.	- -	Mar. 20	April 14.
Punishment of Death	June 23	June 23	July 8	July 15	July 22	Put off for Three Months, July 29.		
Railways	June 2	June 2	June 12	- - June 25, July 23, 27.	- - June 25; Bill as amended to be printed. July 27; Bill as amended to be printed.	July 29	July 31	Aug. 10.
Registration of Voters	May 4	May 26	Order for Second Reading dropped, July 6.					
Right of Voting	May 4	May 26	Order for Second Reading dropped, July 6.					
SCOTLAND:								
Caledonian Canal	June 25	July 2	July 6	July 16	July 17	- -	July 18	Aug. 4.
Evidence, Law of	Jan. 21	Feb. 5	Feb. 18	Mar. 30	- - April 2; Bill as amended to be printed.	- -	April 15	Aug. 7.
Oyster Fisheries	Mar. 27	Mar. 27	July 18	July 25	- - July 25; Bill as amended to be printed.	July 27	July 30	Aug. 7.
Parliamentary Burghs	Jan. 27	Feb. 13	April 6	Put off for the Session, July 9.				
Prisons	June 4	June 4	June 12	Put off for Three Months, July 17.				
Right of Voting	Jan. 24	Feb. 4	Put off for Three Months, July 3.					
Royal Burghs	Jan. 27	April 15	Put off for the Session, July 9.					
Spirit Licenses	Feb. 4	Feb. 4	Put off for Six Months, February 12.					
Seaton's (Lord) Annuity	Mar. 31	April 2	April 6	April 10	April 13	- -	April 15	May 19.
Seduction, &c.	April 9	April 9	June 10	June 26	- - June 26; Bill as amended to be printed.	Put off for Three Months, July 16.		
Settled Estates Drainage	Mar. 2	Mar. 2.	- - Mar. 18, and committed to Select Committee; reported; Bill as amended to be printed, April 2.	June 4	June 11	- -	June 18	Aug. 4.

(*continued.*)

SESS. 1840.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Sewers	Mar. 2	Mar. 2	Mar. 23, and committed to a Select Committee.	Committee reported against proceeding with the Bill,			July 3.	
Shipping, East India	July 20	July 20	July 23	July 27	July 29		July 30	Aug. 7.
Shrewsbury and Holyhead Road	May 26	May 29	June 18	July 20	July 21		July 23	Aug. 10.
Slave Trade Treaties	July 18	July 18	July 22	July 25	July 27		July 29	Aug. 7.
Slave Trade Treaty, Venezuela	July 20	July 22	July 25	July 29	July 30		July 31	Aug. 7.
Small Pox Prevention	May 14	May 15	May 22	Ordered for Committee dropped, June 17.				
Soap Duties	April 14	April 15	May 1	June 5	June 5; Bill as amended to be printed.	July 13	July 23	Aug. 4.
Stock-in-Trade Rating	June 18	June 18	June 22	July 23	July 24		July 27.	
Stock-in-Trade Rating (No. 2.)	Aug. 5	Aug. 5	Aug. 5	Aug. 5	Aug. 5		Aug. 5	Aug. 10.
Sugar, Beet-root, &c.	July 20	July 22	July 24	July 25	July 27		July 29	Aug. 7.
Sugar Duties	June 18	June 19	June 22	June 25	June 26		June 29	July 3.
Tenements, Small	July 17	July 17	Put off for Three Months, July 31.					
Timber Duties	June 6	June 11	June 15	June 18	June 19		June 22	July 3.
Timber Ships	May 28	June 4	June 10	June 22	June 23		June 25	July 23.
Tithes Commutation	Jan. 21	Jan. 29	Feb. 12, committed to a Select Committee Feb. 14. Reported; Bill as amended to be printed. March 3.	Mar. 17	Mar. 18		Mar. 20	June 4.
Tobacco Duties	Mar. 31	April 1	April 6	May 26	May 26; Bill as amended to be printed.	June 5	June 15	July 3.
Transfer of Aids	Feb. 6	Feb. 7	Feb. 11	Feb. 12	Feb. 13		Feb. 14	Feb. 24.
Turnpike Acts Continuance	July 9	July 17	July 18	July 21	July 23		July 24	Aug. 4.
Turnpike Roads	June 25	June 25	July 10	July 13	July 13		July 16	Aug. 4.
Union Workhouses	Mar. 5	Mar. 5	Mar. 9	Mar. 18	Mar. 19	Order for Third Reading dropped, April 6.		
Vagrants Removal	Jan. 28	Jan. 28	Feb. 12	Feb. 21	Feb. 26		Feb. 28	July 3.
West India Colonies Relief	July 6	July 6	July 13	July 15	July 17		July 18	Aug. 4.

Sess. 1840.

2.—BILLS which commenced in the HOUSE OF LORDS.

NAME OF BILL.	Brought from the Lords.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Administration of Justice -	July 16	July 16	Put off for the Session, July 30.					
Bills of Exchange - -	Aug. 3	Aug. 3	Aug. 4	Aug. 5 -	Aug. 5 -	- -	Aug. 6	Aug. 7.
Blenheim Palace - - -	July 20	July 20	July 22	July 23 -	July 24 -	- -	July 25	Aug. 4.
Church Building - - -	May 12	May 18	May 29	July 29 -	July 30 -	- -	Aug. 3	Aug. 7.
Church Discipline - -	July 13	July 13	July 16	- - July 22, 30; Aug. 3.	- - July 22; Bill as amended to be printed, July 30; Bill as amended to be printed, Aug. 4.	- -	Aug. 5	Aug. 7.
Court of Chancery - -	Aug. 3	Aug. 3	Aug. 4	Aug. 4, 5 -	- - Aug. 4; Bill as amended to be printed. Aug. 5.	- -	Aug. 6	Aug. 10.
Custody of Insane Prisoners -	June 18	June 18	June 29	July 18 -	July 21 -	- -	July 23	Aug. 4.
Entailed Estates (Scotland) -	June 2	June 6	June 15	June 26 -	June 29 -	- -	July 3	Aug. 4.
Episcopal Church (Scotland) -	June 29	June 29	July 3	July 6 -	July 6 -	- -	July 7	July 23.
Frivolous Suits - - -	May 12	May 15	May 20	May 29 -	June 1 -	- -	June 25	July 3.
Horse Racing - - -	Mar. 9	Mar. 9	Mar. 10	Mar. 12 -	Mar. 12 -	- -	Mar. 13	Mar. 23.
Imprisonment for Debt -	Aug. 3	Aug. 3	Aug. 4	Aug. 5 -	Aug. 5 -	- -	Aug. 6	Aug. 7.
Infant Felons - - -	July 20	July 21	July 25	July 31 -	Aug. 4 -	- -	Aug. 6	Aug. 10.
Metropolitan Police Courts -	April 6	April 13	June 4	July 16 -	- - July 21; Bill as amended to be printed.	- -	July 30	Aug. 7.
Non-Parochial Registers -	Aug. 4	Aug. 4	Aug. 5	Aug. 5 -	Aug. 5 -	- -	Aug. 6	Aug. 10.
Poor Clergy - - -	May 22	June 4	June 10	June 22 -	June 22 -	- -	June 23	July 3.
Prisons - - - -	Feb. 21	Feb. 21	Mar. 9	- - Mar. 18; April 14.	- - Mar. 18; Bill as amended to be printed, April 15; Bill ordered to be printed, May 1.	- -	May 8	July 3.
Rated Inhabitants' Evidence -	May 1	May 15	May 20	June 19 -	June 22 -	- -	June 23	July 3.
Regency - - - -	July 25	July 27	July 29	July 30 -	July 30 -	- -	July 31	Aug. 4.
Saxe Coburg and Gotha, Prince Albert of, Naturalization Exhibition.	Jan. 21	Jan. 21	Jan. 21	Jan. 22 -	Jan. 22 -	- -	Jan. 22	Jan. 24.
Saxe Coburg and Gotha, Prince Albert of, Naturalization.	Feb. 3	Feb. 3	Feb. 3	Feb. 4 -	Feb. 4 -	- -	Feb. 4	Feb. 7.
Vaccination - - - -	Mar. 24	Mar. 24	April 13	June 17 -	- - June 18; Bill as amended to be printed.	June 26	July 6	July 23.

Sess. 1841.

1.—BILLS which commenced in the HOUSE OF COMMONS.

NAME OF BILL.	When Ordered.	Read 1o.	Read 2o.	Considered in Committee.	Reported.	Report further considered.	Read 3o.	Royal Assent.
Administration of Justice -	Feb. 3	Feb. 8	Feb. 15	-- April 23, May 3.	Put off for Three Months, June 9.			
Administration of Justice, (No. 2)	Feb. 2	Feb. 9	Feb. 15	Put off for Three Months, June 9.				
Administration of Justice, (Sess. 2).	Sept. 20	Sept. 20	Sept. 22	Sept. 24 -	Sept. 27 -	- -	Sept. 28	Oct. 5.
Assessed Taxes Compositions	May 25	May 25	May 27	May 28 -	June 2 -	- -	June 3	June 21.
Banking Copartnerships -	Mar. 29	Mar. 30	April 5	April 23 -	April 26 -	- -	April 27	May 18.
Bankruptcy, Insolvency and Lunacy.	Feb. 9	Feb. 12	Mar. 12	Put off for Three Months, June 8.				
Banks of Issue - - -	June 7	June 7	June 8	June 9 -	June 10 -	- -	June 11	June 18.
Bribery at Elections - -	May 27	June 4	June 7	June 10 -	-- June 10; Bill as amended to be printed.	June 11	June 12	June 22.
Charitable Trusts - -	Mar. 23	Mar. 23	Mar. 31	-- April 28, May 20.	May 24 -	- -	June 9.	
Church Rates - - -	May 25	June 8	Put off for Three Months, June 11.					
Clerk of the Peace (Lancaster)	May 24	May 24	May 27	June 7, 9 -	June 9 -	- -	June 10.	
Consolidated Fund (£.8,000,000)	Mar. 15	Mar. 16	Mar. 18	Mar. 22 -	Mar. 23 -	- -	Mar. 24	Mar. 30.
Consolidated Fund (Appropriation)	June 16	June 10	June 11	June 12 -	June 14 -	- -	June 15	June 22.
Constabulary - - -	Jan. 27	Jan. 27	Feb. 18	Put off for Six Months, March 3.				
Copyright - - - -	Jan. 29	Jan. 29	Put off for Six Months, Feb. 5.					
Coroners (County) - -	Feb. 18	Feb. 26	Mar. 10	-- Mar. 24, May 5.	-- Mar. 24; Bill as amended to be printed.	Put off for Three Months, June 8.		
County Bridges - - -	Feb. 15	Feb. 15	Mar. 1	Mar. 15 -	Mar. 19 -	- -	Mar. 24	-- Consideration of Lords amendments put off for Three Months, June 3.
County Bridges (No. 2) - -	June 9	June 9	June 10	June 10 -	June 11 -	- -	June 12	June 21.
County Courts - - -	Feb. 9	Feb. 12	Mar. 12	Mar. 19 -	-- Mar. 19; Bill as amended to be printed.	Put off for Three Months, June 8.		
Criminal Justice - - -	Mar. 16	Mar. 16	Mar. 22	-- April 5, May 3.	May 7 -	- -	May 10.	
Dean Forest - - -	Feb. 12	April 30	June 7	June 8 -	-- June 9, further consideration of Report put off for Three Months; Bill as amended to be printed.			
Debts of Parishes - -	June 7	June 7	June 8	Put off for Three Months, June 14.				
Designs Copyright - -	Feb. 9	Feb. 9	Mar. 3	Bill withdrawn, March 24.				
Designs Copyright (No. 2) -	Mar. 25	Mar. 26	Mar. 29	Order for Committee dropped, June 9.				
Dog Carts - - - -	Mar. 23	Mar. 23	April 28	June 9 -	June 10 -	- -	June 11.	
Double Costs - - -	Feb. 4	Mar. 2	Mar. 10	Mar. 31 -	April 1 -	- -	April 2.	
Drainage of Lands - -	Feb. 23	Mar. 1	Mar. 15	Mar. 24 -	-- Mar. 24; Bill as amended to be printed.	Put off for Three Months, June 9.		
Drainage of Towns - -	May 25	May 25	Put off for Three Months, June 8.					
East India Rum - - -	Feb. 15	Feb. 15	Feb. 19	-- Feb. 26; Mar. 5, 12.	-- Mar. 5; Bill as amended to be printed. Mar. 15.	- -	Mar. 16	April 6.
Election Petitions Trial -	June 11	June 11	June 12	June 14 -	June 14 -	- -	June 15	June 22.
Embezzlement and Fraud -	Mar. 8	Mar. 8	Order for Second Reading dropped, May 5.					
Enrolment of Burgesses -	Mar. 16	Mar. 22	May 5	Order for Committee dropped, May 24.				

SESS. 1841.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Evidence	Feb. 23	Mar. 5	Mar. 10	May 20.				
Exchequer Bills (£.11,000,000)	May 3	May 5	May 6	May 7	May 10		May 11	May 18.
Exchequer Bills (£.10,626,359) (Sess. 2.)	Sept. 28	Sept. 28	Sept. 29	Sept. 30	Oct. 1		Oct. 2	Oct. 7.
Exchequer Bills Funding (Sess. 2.)	Sept. 28	Sept. 28	Sept. 29	Sept. 30	Oct. 1		Oct. 2	Oct. 7.
Excise Collection and Management.	April 2	April 2	April 5	May 3	May 3; Bill as amended to be printed.	May 11	May 12	May 18.
Expiring Laws (Sess. 2.)	Sept. 21	Sept. 21	Sept. 22	Sept. 27	Sept. 28		Sept. 29	Oct. 5.
Factories	Mar. 27	Mar. 27	April 22	Put off for Three Months, June 8.				
Frogmore Lodge (Sess. 2.)	Sept. 17	Sept. 17	Sept. 20	Sept. 22	Sept. 22		Sept. 24	Oct. 5.
Highway Rates	June 9	June 9	June 10	June 11	June 12, 16		June 17	June 22.
Indemnity	April 1	April 1	April 2	April 5	April 6		April 20	May 10.
Inland Warehousing	April 5	April 5	Put off for Three Months, June 18.					
IRELAND:								
Arms	April 6	April 6	April 20	April 30	May 3		May 7	June 21.
Chancery, Court of	Mar. 29	Mar. 30	April 23	Put off for Three Months, June 8.				
Court Houses	May 9	May 9	May 12	May 20	May 24		May 28	June 21.
Drainage	Feb. 9	Mar. 2	Mar. 19	April 29	Put off for Three Months, June 4.			
Exchequer, Court of	Feb. 8	Feb. 8	Feb. 11	Feb. 12	Feb. 12		Feb. 15	May 18.
Grand Jury Presentments (Dublin).	Mar. 2	Mar. 2	Mar. 29	Put off for Three Months, June 7.				
Houses of Industry	May 20	May 24	June 2	June 7, 8	June 9		June 10	June 21.
Insolvent Debtors	April 5	April 5	April 30	May 17; June 8.	May 17; Bill as amended to be printed. June 9.		June 10	June 21.
Lagan Navigation	Mar. 15	Mar. 15	May 11, and committed to a Select Committee.					
Lagan Navigation (Sess. 2.)	Aug. 27	Sept. 6, and ordered to be read a Second Time.						
Maynooth College	Mar. 2	Mar. 25	Order for Second Reading dropped, June 9.					
Parliamentary Voters	Feb. 4	Feb. 5	Feb. 25	April 26, 28, 29; no Report.				
Railways	June 8	June 15, and ordered to be read a Second Time.						
Rates, Collection of (Dublin)	Mar. 22	Mar. 22	Mar. 29	Put off for Three Months, June 7.				
Registration of Voters	Feb. 2	Feb. 8	Bill withdrawn, May 27.					
Tithe Compositions	Feb. 8	Feb. 8	Feb. 11	Feb. 12	Feb. 15		Feb. 19	Mar. 30.
Tithe Compositions (No. 2.)	May 11	May 27	June 2	June 4	June 4		June 7	June 21.
Tralee Harbour	May 17	May 17	June 8; and committed to a Select Committee.		June 9		June 11	June 21.
Turnpike Acts Continuance	Feb. 12	Feb. 12	Feb. 15	Mar. 8, 19	Mar. 8; Bill as amended to be printed, Mar. 22.		Mar. 23	April 6
Wide Streets (Dublin)	April 5	April 5	April 20	April 22	April 23		June 11	May 18.
Jews' Declaration	Feb. 9	Feb. 9	Mar. 10	Mar. 19	Mar. 22		Mar. 31.	
Keane's, Lord, Annuity	Feb. 15	Feb. 16	Feb. 18	Feb. 26	Mar. 5		Mar. 8	Mar. 30.
Lease and Release	Feb. 18	Feb. 18	Feb. 26	Mar. 5, 12	Mar. 8; Bill as amended to be printed. March 15.		Mar. 19	May 18.
Lime Toll Exemption	May 11	May 12	Put off for Three Months, June 9.					
Lunatics (Sess. 2.)	Sept. 17	Sept. 17	Sept. 20	Sept. 21	Sept. 22		Sept. 24	Oct. 5.
Marine Mutiny	Mar. 8	Mar. 8	Mar. 9	Mar. 12	Mar. 15		Mar. 16	Mar. 30.
Medical Profession	Feb. 5	Feb. 5	Bill withdrawn, notice being taken that it ought to have originated in a Committee of the whole House, February 19.					

(*continued.*)

SESS. 1841.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Medical Profession (No. 2.)	Feb. 26	Feb. 26	Order for Second Reading dropped, May 26.					
Metropolis Improvements	Feb. 22	Feb. 22	-- Mar. 15, referred to Select Committee Mar. 23; reported Mar. 31.	April 1	April 2	- -	April 5	May 10.
Metropolis Improvements (No. 2.)	June 3	June 8	June 9	June 10	June 11	- -	June 12	June 21.
Militia Ballots Suspension	May 24	May 24	May 25	May 27	May 28	- -	June 2	June 21.
Militia Pay	June 10	June 10	June 11	June 12	June 14	- -	June 15	June 22.
Municipal Annuities	April 6	April 6	Order for Second Reading dropped, June 9.					
Municipal Corporations	May 11	May 13	June 2	June 7	-- June 7; Bill as amended to be printed.	June 9	June 10	June 21.
Mutiny	Mar. 8	Mar. 8	Mar. 9	Mar. 12	Mar. 15	- -	Mar. 16	Mar. 30.
Navy Pay (Sess. 2)	Aug 26	Aug. 26	Aug. 27	Sept. 17	Sept. 20	- -	Sept. 21	Oct. 5.
New South Wales	June 2	June 4	June 7	June 8	June 9	- -	June 10	June 21.
Offences against the Person	Mar. 8	Mar. 8	Mar. 22	Put off for Three Months, June 17.				
Ordnance Survey	Feb. 11	Feb. 26	Mar. 12	-- April 1; May 24.	-- April 1; Bill as amended to be printed. May 24; Bill as amended to be printed.	May 28	June 2	June 21.
Parish Constables	Feb. 11	Feb. 19	May 24	June 4	-- June 4; Bill as amended to be printed.	Put off for Three Months, June 10.		
Parochial Assessments	Feb. 25	Feb. 25	May 20	Bill withdrawn, May 25.				
Poor Law Amendment	Jan. 29	Jan. 29	Feb. 8	-- Mar. 8, 19, 22, 26, 29, 30; April 1, 2, 5.	-- Mar. 8; Bill as amended to be printed. April 2, 5; Bill as amended to be printed.	Put off for Three Months, May 24.		
Poor Law Commission (Sess. 2.)	Sept. 21	Sept. 21	Sept. 22	Sept. 28	Sept. 29	- -	Oct. 1	Oct. 7.
Population	Mar. 26	Mar. 26	Mar. 29	Mar. 30	Mar. 31	- -	April 1	April 6.
Population Payments (Sess. 2.)	Sept. 22	Sept. 22	Sept. 24	Sept. 27, 28	-- Sept. 27; Bill as amended to be printed. Sept. 29.	- -	Sept. 30	Oct. 7.
Punishment of Death	Feb. 9	Feb. 12	Mar. 3	May 3, 24	-- May 24; Bill as amended to be printed.	June 3	June 4	June 22.
Putative Fathers	Mar. 9	Mar. 10	Mar. 24	Order for Committee dropped, June 9.				
Railways	Feb. 4	Feb. 4	Feb. 12	Feb. 26	-- Feb. 26; Bill as amended to be printed.	Put off for Three Months, June 18.		
Register of Voters	June 11	June 12	June 14, and partly considered in Committee; House counted out.					
Registration of Voters	Feb. 4	Feb. 4	Feb. 19, put off for Three Months, May 24.					
Right of Voting	Feb. 25	Mar. 3, put off for Three Months, May 24.						
Royal Gardens (Sess. 2.)	Sept. 16	Sept. 16	Sept. 20	Sept. 22	Sept. 22	- -	Sept. 24	Oct. 5.
School Sites	May 25	May 25	May 27	June 7	-- June 7; Bill as amended to be printed.	June 10	June 11	June 21.
SCOTLAND:								
Arrestment of Wages	Mar. 22	Mar. 26	April 5	Committed to a Select Committee, May 3.				
Madhouses	Mar. 22	Mar. 30	April 5	May 20, 24	May 20; Bill as amended to be printed. May 27.	- -	May 28	June 22.

SESS. 1841.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
SCOTLAND—*continued.*								
Parliamentary Burghs -	Mar. 10	Mar. 22	April 5	Put off for Three Months, June 8.				
Registration of Voters -	Feb. 16	Mar. 1	Mar. 15	Put off for Three Months, June 8.				
Royal Burghs - - -	Mar. 10	Mar. 22	April 5	Put off for Three Months, June 8.				
Salmon Fisheries - -	Mar. 18	Mar. 19	May 5, and committed to a Select Committee.					
Salmon Fisheries (No. 2.) -	April 1	April 2	May 5, and committed to a Select Committee.					
Scott's (Sir Walter) Monument	Mar. 15	Mar. 15	April 30	May 3 -	May 5 -	- -	May 7	May 18.
Sewers - - - - -	Mar. 15	Mar. 15	-- Apr. 27, and committed to a Select Committee; reported May 24.	May 25 -	May 27 -	- -	May 28	June 21.
Silk Factories - - -	Mar. 30	Mar. 30	April 22	Put off for Three Months, June 8.				
Slave Compensation - -	April 27	April 27	April 29	May 3 -	May 6 -	- -	May 7	May 18.
Stamp Duties (Law Proceedings)	April 30	April 30	May 7	May 24 -	May 27 -	- -	May 28	June 21.
South Australia - - -	Mar. 22	Mar. 30	April 1	April 2 -	April 5 -	- -	April 6	May 10.
Sugar Duties - - -	May 25	May 27	May 28	June 2 -	June 3 -	- -	June 4	June 21.
Tithes Recovery - - -	Feb. 9	Mar. 5	Mar. 19	Mar. 29 -	Mar. 30 -	- -	April 1	June 21.
Trade of British Possessions Abroad - - - - -	April 6	April 6	April 30	Put off for Three Months, June 18.				
Turnpike Acts Continuance -	Feb. 23	Feb. 25	Mar. 2	Mar. 3 -	Mar. 8 -	- -	Mar. 10	April 6.
Turnpike Roads - - -	April 26	April 27	May 3	May 20 -	May 24 -	- -	May 28	June 21.
Turnpike Roads and Highways	April 1	April 1	April 28	May 5 -	May 7 -	- -	May 10	June 21.
Vaccination - - - - -	May 3	May 7	May 14	May 20 -	May 20 -	- -	May 24	June 21.
Victoria Park - - -	May 12	May 12	May 17	May 20 -	May 24 -	- -	May 25	June 21.
Western Australia - -	June 2	June 4	June 7	June 8 -	June 9 -	- -	June 10	June 21.

Sess. 1841.

2.—BILLS which commenced in the HOUSE OF LORDS.

NAME OF BILL.	Brought from the Lords.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Administration of Justice (Session 2.)	Sept. 8	Sept. 8	Put off for Six Months, September 17.					
Bills of Exchange	June 14	June 16	June 17	June 18	June 18	- -	June 21	June 22.
Boroughs Improvement	May 6	May 7	May 20	May 24	- - May 24; Bill as amended to be printed.	Put off for Three Months, June 8.		
Buildings Regulation	May 6	May 7	May 20	May 24	- - May 24; Bill as amended to be printed.	Put off for Three Months, June 8.		
Copyholds Enfranchisement	Mar. 16	Mar. 16	Mar. 22	- - Mar. 31; May 5, 20.	- - Mar. 31; Bill as amended to be printed. May 5; Bill as amended to be printed, May 24.	- -	June 3	June 21.
Court of Chancery	June 14	June 14	June 16	June 17	June 17	- -	June 18	June 21.
Drainage of Towns	May 6	May 7	Put off for Three Months, May 24.					
Ecclesiastical Commissioners	June 3	June 3	June 7	June 12	June 14	- -	June 16	June 18.
Entails (Scotland)	May 13	May 14	May 18	May 24	May 24	- -	May 25	June 21.
Felony Explanation	May 13	May 14	May 20	May 25	May 25	- -	May 27	June 21.
Foreign Bishops (Sess. 2.)	Sept. 8	Sept. 8	Sept. 16	Sept. 20	- - Sept. 20; Bill as amended to be printed.	Sept. 21	Sept. 22	Oct. 5.
Frivolous Suits	May 25	May 25	May 27	June 2	June 2	- -	June 4	June 21.
Houghing Cattle (Ireland)	Mar. 5	Mar. 5	Mar. 24	Mar. 31	April 1	- -	April 2	April 6.
Loan Societies	June 14	June 16	June 17	June 18	June 18	- -	June 21	June 22.
Scarborough's (Lord) Indemnity (Sess. 2.)	Sept. 6	Sept. 6	Sept. 6	Sept. 6	Sept. 6	- -	Sept. 6	Sept. 8.
School Sites	May 17	May 17	Put off for Three Months, May 24.					
Winterbourne Parish Division	June 8	June 8	June 11	June 12	June 12	- -	June 14	June 21.

Sess. 1842.

1.—BILLS which commenced in the HOUSE OF COMMONS.

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Apprentices' Regulation -	Feb. 21	Feb. 21	Feb. 25	Feb. 28 -	Feb. 28 -	- -	Mar. 1	Mar. 23.
Appropriation Acts Amendment	Feb. 4	Feb. 4	Feb. 5	Feb. 7 -	Feb. 7 -	- -	Feb. 8	Feb. 15.
Assessed Taxes Composition -	June 13	June 13	June 14	June 15 -	June 16 -	- -	June 17	June 30.
Assessed Taxes Relief - -	July 15	July 18	July 19	July 21 -	- - July 21; Bill as amended to be printed.	July 22	July 26	Aug. 5.
Australia and New Zealand -	Feb. 4	Mar. 22	April 14	May 9 -	May 13 -	- -	May 20	June 22.
Bonded Corn - - -	Mar. 15	Bill withdrawn, June 21.						
Bonded Corn (No. 2) - -	June 24	June 24	July 20	July 22 -	July 25 -	- -	July 26	Aug. 10.
Boroughs Improvement -	Feb. 24	Feb. 25	Mar. 1	Referred to a Select Committee.				
Boroughs Incorporation -	Aug. 4	Aug. 4	Aug. 4	Aug 6 -	Aug. 8 -	- -	Aug. 8	Aug. 12.
Bribery at Elections - -	June 6	June 16	June 21	- - June 28; Referred to Select Committee, July 1; reported; Bill as amended to be printed, July 13; July 27	- - June 28; Bill as amended to be printed.	Aug. 1	Aug. 2	Aug. 10.
British Merchant Vessels -	July 28	July 28	Second Reading put off for Six Weeks, July 28.					
British Possessions Abroad -	April 18	May 2	May 5	June 24 -	June 27 -	- -	June 28	July 16.
Buildings Regulation - -	Feb. 24	Feb. 25	Mar. 1	- - Referred to a Select Committee; Reported, May 27; Re-committed to former Committee, June 3; Reported, June 27; and put off for Three Months, July 20.				
Canada Loan - - -	July 29	July 29	Aug. 1	Aug. 2 -	Aug. 3 -	- -	Aug. 5	Aug. 12.
Chelsea Hospital - - -	July 7	July 7	July 11	July 12 -	July 13 -	- -	July 14	July 30.
Colonial Passengers Regulation	Feb. 4	Feb. 23	Mar. 2	- - March 18; April 14, 28.	- - March 18; Bill as amended to be printed. April 28.	May 20	July 26	Aug. 12.
Consolidated Fund (£.8,000,000)	Mar. 12	Mar. 14	Mar. 15	Mar. 16 -	Mar. 17 -	- -	Mar. 18	Mar. 23.
Consolidated Fund Appropriation	Aug. 1	Aug. 2	Aug. 3	Aug. 4 -	Aug. 5 -	- -	Aug. 6	Aug. 12.
Copyright - - - -	Mar. 3	Mar. 4	Mar. 16	- - Mar. 23; April 6, 20.	- - Mar. 23; Bill as amended to be printed.	- -	April 26 April 21.	July 1.
Copyright Registration - -	Feb. 8	Feb. 8	Feb. 21	Order for Committee dropped, June 29.				
Corn Importation - -	Mar. 2	Mar. 4	Mar. 9	- - Mar. 14; April 5.	April 6 -	- -	April 7	April 29.
Coroners, Warwick and Lancaster.	July 13	July 13	July 27	Put off for Three Months, August 8.				
Court of Exchequer, England	July 14	July 14	July 18	July 25 -	- - July 25; Bill as amended to be printed.	July 27	July 28	Aug. 5
Coventry Boundaries - -	Aug. 1	Aug. 1	Aug. 2	Aug. 5, 6 -	- - Aug. 5; Bill as amended to be printed. Aug. 8.	- -	Aug. 9	Aug. 12.
Customs - - - -	June 16	June 17	June 18	June 21, 23	- - June 21; Bill as amended to be printed. June 27.	- -	June 28	July 9.
Customs Act Amendment -	July 15	July 18	July 19	July 20 -	July 21 -	- -	July 22	July 30.
Dean Forest Ecclesiastical Districts.	April 12	April 12	- - May 27, and referred to a Select Committee; reported, June 13.	June 22 -	- - June 22; Bill as amended to be printed.	July 5	July 6	July 30.
Dean Forest Poor - - -	April 12	April 12	- - May 27, and referred to a Select Committee; reported, June 13.	June 15 -	June 16 -	- -	June 17	July 9.
Designs Copyright - -	Feb. 7	Feb. 7	Mar. 16	- - June 22; July 23.	- - June 22; Bill as amended to be printed.	Aug. 2	Aug. 3	Aug. 10.
District Courts and Prisons -	June 23	June 23	June 27	June 28 -	July 1 -	- -	July 7	July 30.
Double Costs - - -	Feb. 8	May 6	May 9	June 10 -	June 13 -	- -	June 14	Aug. 10.
Duchy of Cornwall - -	Feb. 14	Feb. 14	Feb. 16	Feb. 18 -	Feb. 21 -	- -	Feb. 25	Mar. 15.

(continued.)

SESS. 1842.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
East India Bishops	July 15	July 15	July 27	July 29	Aug. 2	- -	Aug. 5	Aug. 12.
Ecclesiastical Corporations Leases	May 2	May 2	May 6	May 20	Aug. 1	- -	Aug. 5	Aug. 12.
Ecclesiastical Jurisdiction	July 7	July 7	July 11	July 12	July 13	- -	July 14	July 30.
Election Petitions Trial	July 14	July 14	July 15	July 18	July 19	- -	July 20	July 30.
Electors' Removal	May 26	May 30	Put off for Three Months, June 15.					
Exchequer Bill (£.9,100,000)	April 25	April 26	April 28	April 29	May 2	- -	May 3	May 13.
Exchequer Bill (£.9,193,000)	Aug. 2	Aug. 2	Aug. 3	Aug. 4	Aug. 5	- -	Aug. 6	Aug. 12.
Exchequer Bill Preparation	July 18	July 18	July 19	July 20	July 21	- -	July 22	July 30.
Excise Compounds	April 15	April 18	April 22	May 9	May 9; Bill as amended to be printed.	May 13	May 20	May 31.
Fisheries Treaties	July 6	July 6	July 7	July 8	July 11	- -	July 12	July 30.
Fines and Recoveries, Wales and Cheshire.	April 28	April 29	May 6	May 9	May 11	- -	May 13	June 18.
Forged Exchequer Bills	Mar. 3	Mar. 4	March 7	Mar. 14; Apr. 4	- - Mar. 14; Bill as amended to be printed. April 4.	- -	April 6	April 22.
Health of Towns	Aug. 4	Aug. 5, and Second Reading put off for Three Months.						
Indemnity	April 5	April 5	April 6	April 7	April 8	- -	April 11	April 22.
Incumbents Leasing (No. 2.)	May 2	May 2	May 6	May 20	May 23	- -	May 24	June 18.
IRELAND:								
Barristers	April 5	April 5	Put off for Six Months, April 20.					
Charitable Pawn Offices	June 22	June 22	June 30	July 1	July 5	- -	July 7	July 30.
Civil Bill Decrees	April 19	April 19	April 25	April 28	April 28	- -	May 2, 3	June 18.
Common Law Courts	July 14	July 14	July 20	Put off for Three Months, July 28.				
Drainage	Mar. 22	Mar. 22	April 4	- - Committed to Select Committee, April 12; June 22.	- - May 13; June 23.	- -	June 24	Aug. 5.
Dublin Boundaries	July 25	July 25	July 26	July 29	July 30	- -	Aug. 1	Aug. 10.
Dublin Police	Mar. 15	Mar. 15	April 4	April 25	April 28	- -	May 5	May 31.
Fisheries	April 5	April 6	April 11	- - Committed to Select Committee, April 13; July 6, 16.	- - July 1; Bill as amended to be printed. July 6; Bill as amended to be printed. July 20.	- -	July 22	Aug. 10.
Four Courts Marshalsea, Dublin.	June 30	June 30	July 5	July 28	July 29	- -	Aug. 1	Aug. 10.
Game Certificates	July 19	July 19	July 20	July 21	July 22	- -	July 25	Aug. 5.
Grand Jury Presentments	June 13	June 13	July 6	July 7, 21, 22	July 7; Bill as amended to be printed. July 22, 23.	- -	July 25	Aug. 5.
Ditto - - ditto - - (Cork)	May 2	May 6	- - Referred to Standing Order Committee, May 6; Reported, May 24; the Standing Orders had not been complied with.					
Lagan Navigation	April 19	April 21	June 13	Referred to Select Committee, June 13.				
Lighting of Towns	June 30	July 29	Put off for Six Months, July 29.					
Linen Manufactures	July 1	July 5	July 8	July 11	July 12	- -	July 13	July 30.
Lunatic Asylums	July 13	July 13	July 18	- - July 20, 29; Aug. 3.	- - July 29; Bill as amended to be printed. Aug. 4.	- -	Aug. 5	Aug. 12.
Marriages	Feb. 24	Feb. 24	Feb. 25	Feb. 28	Mar. 1	- -	March 2	Aug. 12.
Medical Charities	July 28	Aug. 10	Put off for Six Weeks, August 10.					
Municipal Corporations	June 21	June 21	June 23	June 24	June 27	- -	June 28	July 1.
Newgate Gaol (Dublin)	Mar. 4	Mar. 4	March 7	Mar. 11	Mar. 11	- -	March 12	March 23.
Punishment of Death	April 19	April 19	April 25	May 3	May 4	- -	May 5	June 18.
Right of Voting (Dublin University).	June 21	June 21	June 24	June 30	July 5	- -	July 6	July 30.
Rivers	Mar. 3	Mar. 3	March 7	- - Mar. 14, 21; June 22.	- - Mar. 14; Bill as amended to be printed. Mar. 21, Bill as amended to be printed. June 22, Bill as amended to be printed.	July 6	July 13	Aug. 10.

SESS. 1842.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent
IRELAND—*continued.*								
Spirit Duties - - -	Mar. 12	Mar. 14	March 18	Mar. 21 -	Mar. 22 -	- -	March 23	April 29.
Turnpike Roads - -	April 19	April 19	April 25	April 28 -	May 2 -	- -	May 3	May 31.
Wide Streets (Dublin) -	July 11	July 11	July 13	July 15 -	July 18 -	- -	July 20	July 30.
Joint Stock Banking Companies	July 20	July 20	July 22	July 23 -	July 23 -	- -	July 25	Aug. 5.
Knightsbridge and Kensington Openings.	Mar. 15	Mar. 15	--Apr. 12; and referred to Select Committee; reported, May 2.	May 3.	May 2, 4 -	- -	May 5	May 13.
Licensed Lunatic Asylums -	Mar. 17	Mar. 18	April 4	--Apr. 20; May 23; July 16.	- - May 23; Bill as amended to be printed. July 21.	- -	July 22	Aug. 5.
Loan Societies - - -	Feb. 7	Feb. 9	Feb. 10	Feb. 11 -	Feb. 14 -	- -	Feb. 15	Mar. 23.
London Bridge Approaches -	June 27	June 27	July 1	July 6 -	July 7 -	- -	July 11	July 30.
Manchester and Birmingham and Bolton Police.	June 23	June 23	July 19	July 21 -	- - July 21; Bill as amended to be printed.	July 22	July 23	Aug. 12.
Manslaughter - - -	April 14	May 4	- - On motion for Second Reading, June 8, there was no second Teller for Ayes.					
Marine Mutiny - - -	Mar. 7	Mar. 21	March 22	Mar. 23 -	April 4 -	- -	April 15	April 22.
Military Savings Banks -	July 7	July 7	July 11	July 12 -	July 13 -	- -	July 14	July 30.
Militia Ballots - - -	July 7	July 7	July 11	July 12 -	July 13 -	- -	July 14	July 30.
Militia Pay - - - -	July 26	July 27	July 29	July 30 -	Aug. 1 -	- -	Aug. 2	Aug. 10.
Mines and Collieries - -	June 7	June 7	June 15	June 22 -	- - June 22; Bill as amended to be printed.	June 24	July 1, 5	Aug. 10.
Municipal Corporations -	Feb. 8	Feb. 14	Feb. 18	- - April 18; June 27.	- - April 18; Bill as amended to be printed. June 27; Bill as amended to be printed.	July 1	July 8	Aug. 10.
Mutiny - - - - -	Mar. 8	Mar. 21	March 22	Mar. 23 -	April 4 -	- -	April 15	April 22.
Newfoundland - - -	May 26	May 26	June 15	Aug. 3, 5 -	Aug. 6 -	- -	Aug. 8	Aug. 12.
New South Wales - -	May 26	May 26	May 31	June 27 -	June 28 -	- -	July 1	July 30.
Ordnance Services - -	June 24	June 24	July 1	July 25 -	- - July 25; Bill as amended to be printed.	July 27	July 29	Aug. 10.
Parish Constables - -	April 26	April 26	April 29	- - May 13; Referred to Select Committee, June 3; July 13.	- - May 13; Bill as amended to be printed, July 11, 26.	- -	July 27	Aug. 12.
Parish Property - - -	Feb. 18	Feb. 25	March 14	Mar. 18 -	- - Mar. 18; Bill as amended to be printed.	Mar. 21	April 5	May 13.
Pentonville Prison - -	April 26	April 26	May 2	May 10 -	May 11 -	- -	May 20	June 18.
Poor Law Amendment - -	May 11	May 11	June 17	--June 20, 27; July 12, 19.	July 20 -	- -	July 22	July 30.
Primrose Hill - - -	May 24	May 24	June 17	- - Referred to Select Committee, June 17; July 5.	July 1, 6 -	- -	July 7	Aug. 5.
Prisons - - - - -	June 23	June 28	July 1	July 8, 18 -	- - July 8; Bill as amended to be printed, July 19.	- -	July 20	Aug. 10.
Property Tax - - -	April 13	April 18	April 22	- - Apr. 25, 29; May 2, 6.	- - May 6; Bill as amended to be printed. May 9.	- -	May 31	June 22.
Protection of Her Majesty's Person.	June 12	July 12	July 12	July 13 -	July 13 -	- -	July 13	July 16.
Public Houses - - -	Mar. 16	Mar. 16	April 20	- - May 4; June 1.	- - May 4; Bill as amended to be printed, June 3.	- -	June 15	July 1.

(*continued.*)

SESS. 1842.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Public Works	Mar. 12	Mar. 14	Mar. 15	Mar. 21	Mar. 22	- -	March 23	April 22.
Queen's Prison	Feb. 21	Feb. 22	Feb. 25	Mar. 11	- - Mar. 12; Bill as amended to be printed.	- -	March 21	May 31.
Railways	Feb. 8	Feb. 9	Feb. 28	- - Mar. 9; April 22; June 18.	- - Mar. 9; Bill as amended to be printed. June 20.	- -	- - June 21, 24.	July 30.
Roasted Malt	April 15	April 18	April 22	May 13	May 20	- -	May 23	June 18.
Registration of Voters	Aug. 10	Aug. 10	and put off for Six Weeks.					
St. Asaph and Bangor Cathedrals.	July 13	July 14	Put off for Three Months, July 25.					
St. Asaph and Bangor Preferments.	July 25	July 25	July 27	July 28	July 29	- -	July 30	Aug. 12.
St. Briavel's Small Debts	April 12	Apr. 12	May 27 - - And referred to Select Committee;	June 15	June 16	- -	July 25	Aug. 5.
SCOTLAND:			Reported, June 13.					
Church Patronage	April 14	April 14	Put off for Six Months, June 15.					
Perth Prison	June 10	June 10	June 14	June 15	June 17	- -	July 7	July 30.
Salmon Fisheries	Mar. 7	Mar. 7	March 14.	Order for Committee dropped April 27.				
Salmon Fisheries (No. 2.)	April 21	April 25	May 4	- - May 11; June 8.	- - May 11; June 15.	- -	June 17.	
Sheriff Clerks	Mar. 18	Mar. 18.	Order for 2nd Reading, dropped April 15.					
Slave Trade, Argentine Confederation.	June 1	June 1	June 6	June 7	June 8	- -	June 10	June 30.
Slave Trade, Hayti	June 1	June 1	June 6	June 7	June 8	- -	June 10	June 30.
Slave Trade, Portuguese Vessels (No. 2.)	Aug. 8	Aug. 8	Aug. 8	Aug. 9	Aug. 9	- -	Aug. 9	Aug. 12.
Slave Trade Suppression	July 29	July 30	Aug. 1	Aug. 2	Aug. 3	- -	Aug. 4	Aug. 10.
Slave Trade Treaties	June 1	June 1	June 6	June 7	June 8	- -	June 10	June 30.
Slave Trade Treaties Continuance.	July 6	July 6	July 7	July 8	July 11	- -	July 12	July 30.
Slavery, East Indies	July 29	July 29	Aug. 1	Aug. 2	Aug. 2	- -	Aug. 3	Aug. 10.
Soap Duties Drawback	April 21	April 21	April 22	April 25	April 26	- -	April 28	May 13.
South Australia	July 6	July 7	July 13	July 19	July 20	- -	July 21	July 30.
Special Petty Sessions	Mar. 8	Mar. 15	Put off for Six Months, May 4.					
Stamp Duties	July 15	July 18	July 19	July 20	July 22	- -	July 25	Aug. 5.
Stamp Duties Assimilation	July 15	July 18	July 19	July 25	July 25, 27	- -	July 28	Aug. 5.
Stock in Trade	June 23	June 23	June 27	June 28	June 30	- -	July 1	July 16.
Sudbury Disfranchisement	May 10	May 10	June 8	June 15	June 22	- -	- - June 29; July 6.	
Sugar Duties	June 6	June 7	June 8	June 10	June 13	- -	June 14	June 18.
Timber Ships	April 6	April 6	April 7	April 21	- - April 21; Bill as amended to be printed.	April 25	April 28	May 13.
Tithes Commutation	May 20	May 20	May 27	June 3	- - June 3; Bill as amended to be printed.	June 8	June 14	July 30.
Tobacco Regulations	June 24	June 24	July 26	- - July 27; Aug. 1.	- - July 27; Bill as amended to be printed. Aug. 3.	- -	Aug. 4	Aug. 10.
Turnpike Acts Continuance	July 7	July 7	July 8	July 11	July 12	- -	July 13	July 30.
Turnpike Roads	April 5	April 11	Put off for Three Months, June 10.					
Van Diemen's Land	Feb. 22	Feb. 23	Feb. 25	Feb. 28	Feb. 28	- -	March 2	March 15.
Victoria Park	Mar. 15	Mar. 15	- - April 12, and referred to Select Committee;	May 3	May 4	- -	May 5	May 13.
			Reported May 2.					
West India Clergy	Feb. 8	Feb. 25	March 4	Mar. 11	Mar. 11	- -	March 14	March 23.
Western Australia	July 25	July 25	July 26	July 27	July 28	- -	July 29	Aug. 5.
Witnesses' Indemnity	May 23	May 23	May 26	May 30	- - May 30; Bill as amended to be printed. May 31.	May 31	June 10	June 18.
Writs of Error	Feb. 8	June 14	June 20.	Order for Committee dropped July 28.				

Sess. 1842.

2.—BILLS which commenced in the HOUSE OF LORDS.

NAME OF BILL.	Brought from the Lords.	Read 1o.	Read 2o.	Considered in Committee.	Reported.	Report further considered.	Read 3o.	Royal Assent.
Bankruptcy - - -	July 25	July 25	July 29	- - Aug. 1, 5, 8.	- - Aug. 1; Bill as amended to be printed; Aug. 9.	- -	Aug. 11	Aug. 12.
Boroughs Improvement - -	Feb. 15	Feb. 18	Put off for Three Months, February 23.					
Bribery at Elections - -	May 13	May 20	Dropped.					
Buildings Regulations - -	Feb. 15	Feb. 18	Put off for Three Months, February 23.					
County Courts - - -	July 26	July 27	Aug. 1	Aug. 5, 9	- - Aug. 5; Bill as amended to be printed. Aug. 9.	- -	- - Put off for Two Months, August 9.	
Court of Chancery Offices -	July 29	July 29	Aug. 1	Aug. 2, 3	- - Aug. 2; Bill as amended to be printed. Aug. 4.	- -	Aug. 5	Aug. 10.
Ecclesiastical Corporations Leasing.	April 25	April 26	Put off for Three Months, May 2.					
Ecclesiastical Residences -	April 25	April 26	May 2	May 9 -	May 9 -	- -	May 10	May 31.
Incumbents Leasing - -	April 25	April 26	Put off for Three Months, May 2.					
Insolvent Debtors - -	Aug. 2	Aug. 2	Aug. 4	Aug. 8 -	Aug. 9 -	- -	Aug. 10	Aug. 12.
Justices' Jurisdiction - -	June 10	June 10	June 15	June 17 -	June 17 -	- -	June 20	June 30.
Ditto - Act Amendment	June 29	June 29	June 29	June 30 -	June 30 -	- -	June 30	July 1.
Law of Evidence - -	June 6	June 10	June 20	Aug. 5 -	Aug. 6 -	- - Order for Third Reading; dropped, Aug. 9.		
Law of Merchants Act Amendment.	April 26	April 26	April 28	May 20 -	- - May 20; Bill as amended to be printed.	June 7	June 14	June 30.
Limitation of Actions (Ireland)	Aug. 5	Aug. 5	Aug. 6	Aug. 8 -	Put off for Three Months, August 12.			
Lunacy - - - - -	July 21	July 22	July 23	July 25, 29	- July 25; Bill as amended to be printed. July 30.	- -	Aug. 1	Aug. 5.
Slave Trade, Portuguese Vessels.	Aug. 5	Aug. 5	Aug. 6	Order for Committee dropped, Aug. 8.				
Sudbury Witnesses' Indemnity	July 12	July 12	July 13	July 14 -	July 14 -	- -	July 14	July 16.
Testimony Perpetuating -	June 28	July 6	July 11	July 14 -	July 14 -	- -	July 15	July 30.

Sess. 1843.

1.—BILLS which commenced in the HOUSE OF COMMONS.

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Admiralty Lands	Mar. 31	Mar. 31	April 5	-- May 5; June 2; July 24.	-- June 2; Bill as amended to be printed. August 1.	- -	Aug. 4	Aug. 17
Apprehension of Offenders	Feb. 23	Feb. 23	Feb. 27	April 24 -	-- April 24; Bill as amended to be printed.	April 28	May 1	July 28.
Arches Court	July 13	July 14	Put off for Three Months, July 21.					
Assessed Taxes, &c.	May 30	May 30	June 2	June 12 -	June 13 -	- -	June 15	June 27.
Bills of Exchange	July 21	July 21	July 24	July 25 -	July 26 -	- -	July 27	Aug. 10.
Cambridge, Princess Augusta	June 15	June 15	June 16	June 19 -	June 20 -	- -	June 21	June 27.
Cathedral Churches, Wales	July 4	July 4	July 7	July 10, 13	-- July 10; Bill as amended to be printed. July 14.	- -	July 17.	Aug. 22.
Charitable Trusts	April 7	April 10	Put off for Three Months, July 5.					
Chelsea Hospital	June 13	June 13	June 16	June 19 -	June 20 -	- -	June 22	July 12.
Chelsea Out-Pensioners	Aug. 7	Aug. 7	Aug. 10	-- Aug. 14, 16.	Aug. 17 -	- -	Aug. 18	Aug. 24.
Church Endowment	May 5	May 23	May 29	June 2, 12 -	- - June 2; Bill as amended to be printed. June 15.	- -	June 16	July 28.
Coal Venders' Penalties	Feb. 20	Feb. 20	Feb. 21	Feb. 23 -	Feb. 24 -	- -	Feb. 27	Mar. 3.
Coal Whippers	May 30	May 30	-- July 17; and referred to Select Committee; Reported, and ordered to be printed, July 28.	Aug. 1, 9 -	-- Aug. 11; Bill as amended to be printed.	- -	Aug. 12	Aug. 22.
Coast of Africa	Mar. 13	Mar. 14	Mar. 17	Mar. 20 -	Mar. 21 -	- -	Mar. 23	April 11.
Commons Inclosure	May 19	June 2	Bill withdrawn, June 14.					
Commons Inclosure (No. 2.)	June 14	June 14	June 21	Bill withdrawn, July 10.				
Controverted Elections	July 20	July 20	July 21	July 24 -	July 25 -	- -	July 26	Aug. 10.
Consolidated Fund	Mar. 14	Mar. 15	Mar. 17	Mar. 20 -	Mar. 21 -	- -	Mar. 23	April 3.
Consolidated Fund (Appropriation).	May 9	Aug. 10	Aug. 11	Aug. 12 -	Aug. 14 -	- -	Aug. 15	Aug. 24.
Convicts Transported	Feb. 7	Feb. 13	Feb. 16	Feb. 17 -	Feb. 20 -	- -	Feb. 21	April 3.
Coroners	May 26	May 29	June 14	-- June 21; July 5, 12, 19, 26.	-- June 21; Bill as amended to be printed. July 19; Bill as amended to be printed. July 27.	- -	July 28.	
Coroners' Inquests	Feb. 16	Feb. 17	Feb. 20	Feb. 21 -	Feb. 21 -	- -	Feb. 22	April 11.
Counties, Detached Parts of	Aug. 7	Aug. 7	and put off for Two Months.					
County Courts	April 25	April 25	Put off for Three Months, August 4.					
County Courts (County Palatine of Lancaster).	Aug. 15	Aug. 21	and put off for Three Months.					
Court of Chancery (County Palatine of Lancaster).	Aug. 15	Aug. 21	and put off for Three Months.					
Customs	July 21	July 21	July 24	Aug. 5 -	Aug. 7 -	- -	Aug. 12	Aug. 22.
Death, Punishment of	Feb. 23	Feb. 23	Feb 27	Mar. 6 -	Mar. 7 -	- -	Mar. 8	April 11.
Designs Copyright	July 4	July 7	July 14	July 20 -	July 21 -	- -	Aug. 10	Aug. 22.
Dogs	Feb. 28	Feb. 28	Mar. 8	Mar. 15 -	Mar. 22 -	- -	Mar. 24.	
Drainage of Lands	Mar. 15	Mar. 15	Mar. 31	-- and referred to Select Committee; Reported, and ordered to be printed as amended, June 30. Re-committed to former Committee, July 17. Reported and ordered to be printed as amended, July 28.				
Ecclesiastical Courts	Feb. 9	Feb. 9	April 28	May 29 -	-- May 29; Bill as amended to be printed.	Put off for Three Months, Aug. 1. Bill withdrawn, July 20.		
Ecclesiastical Jurisdictions	July 21	July 24	July 27	July 28 -	July 31 -	- -	Aug. 1	Aug. 17
Exchequer Bills (£.9,050,000)	April 24	April 25	April 26	April 27 -	April 28 -	- -	May 1	May 9.
Exchequer Bills (£.11,132,100)	Aug. 10	Aug. 10	Aug. 11	Aug. 12 -	Aug. 14 -	- -	Aug. 15	Aug. 24.
Excise	July 24	July 24	July 27	July 28 -	July 31 -	- -	Aug. 1	Aug. 10.
Factories	Mar. 7	Mar. 7	Mar. 24	-- May 1; June 19.	-- May 1; Bill as amended to be printed. June 19; Bill as amended to be printed.	Bill withdrawn, July 20.		

SESS. 1843.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2o.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Fisheries	Aug. 1	Aug. 1	Aug. 4	Aug. 11	Aug. 12	- -	Aug. 15	Aug. 22.
Foreign Jurisdiction	Aug. 4	Aug. 4	Aug. 7	Aug. 8	Aug. 9	- -	Aug. 10	Aug. 24.
Forged Exchequer Bills	Feb. 14	Feb. 15	Feb. 17	Feb. 20	Feb. 21	- -	Feb. 22	Mar. 3.
Hackney and Stage Carriages	June 27	June 29	July 4	-- July 12; Aug. 4.	--July 12; Bill as amended to be printed. Aug. 5.	July 19	Aug. 7	Aug. 22.
Health of Towns	Feb. 14	Mar. 6	Bill withdrawn, July 19.					
Highway Rates	July 28	July 28	July 31	Aug. 1	Aug. 3	- -	Aug. 4	Aug. 17.
Indemnity	Mar. 17	Mar. 17	March 20	Mar. 21	Mar. 23	- -	Mar. 24	April 3.
Industrious Classes	July 24	July 24	Put off for Two Months, July 26.					
IRELAND:								
Applotment of Rates (Dublin)	Feb. 27	Feb. 27	-- April 7; and referred to the Committee of Selection; Reported; Bill as amended to be printed, Aug. 3.	Aug. 7	Aug. 9	- -	Aug. 11	Aug. 22.
Arms	April 27	April 27	May 31	-- June 19, 23, 26, 29; July 3, 13, 14, 21, 20,	--July 24; Bill as amended to be printed.	July 27	Aug. 9	Aug. 22.
Bankruptcy	Feb. 28	Feb. 28	Order for Second Reading dropped, May 29.					
Bishops' Relief	July 28	July 28	July 31	Aug. 3	Aug. 3	- -	Aug. 4	Aug. 17.
Bridges	June 21	June 21	June 29	July 5	July 7	- -	July 11	Aug. 1.
Charitable Loan Societies	June 12	June 29	-- July 7; and referred to Select Committee; Reported; Bill as amended to be printed, Aug. 2.	Aug. 14, 16	Aug. 17	- -	Aug. 18	Aug. 24.
Exchequer Bills (Public Works).	June 26	June 29	July 7	July 17	--July 17; Bill as amended to be printed.	July 21	July 24	Aug. 10.
Exchequer, Court of	June 22	June 23	June 26	July 7, 14, 20	July 20, 21	- -	July 24	Aug. 17.
Exchequer, Court of (Offices)	Aug. 9	Aug. 9	Aug. 12	Aug. 14, 15	--Aug 14; Bill as amended to be printed. Aug. 16.	- -	Aug. 17	Aug. 22.
Fines and Penalties	April 10	April 24	May 19	-- June 16, 26; July 20.	--June 16; Bill as amended to be printed, July 20, 21.	- -	July 24	Aug. 17.
Grand Jury Presentments	May 1	May 18	June 15	June 22	--June 22; Bill as amended to be printed.	Bill withdrawn, June 29.		
Ditto - - ditto (No. 2)	June 29	June 29	June 29	June 30	--June 30; Bill as amended to be printed.	July 3	July 4	July 12.
Ditto - - ditto (No. 3)	Aug. 7	Aug. 7	Aug. 9	Aug. 10	Aug. 11	- -	Aug. 12	Aug. 22.
Ditto - - ditto (Dublin)	June 12	June 12.	-- Referred to Select Committee on Petitions for Private Bills; Bill to be printed.					
Justices of the Peace	Feb. 21	Feb. 23	Feb. 27	Mar. 1	Mar. 3	- -	Mar. 6	April 3.
Landlord and Tenant	July 11	July 27	Bill withdrawn, Aug. 9.					
Law Courts	June 30	June 30	Bill withdrawn, July 20.					
Medical Charities	Feb. 7	Feb. 9	Feb. 13	Order for Committee dropped, July 19.				
Municipal Corporations	Mar. 21	April 7	May 1	Aug. 10	Aug. 11	- -	Aug. 14	Aug. 24.

(*continued.*)

Sess. 1843.——1. Bills which commenced in the House of Commons—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Ireland—*continued.*								
Pawnbrokers	Feb. 21	Feb. 27	Mar. 13	June 9	June 9; Bill as amended to be printed.	Bill withdrawn, July 20.		
Poor Relief	April 7	April 24	May 5	June 9; July 27; Aug. 3, 4 7.	Aug. 9		Aug. 11	Aug. 24.
Roman Catholic Oaths	May 11	May 15	May 24	June 12	June 13		June 15	July 4.
Sessions of the Peace (Dublin)	Aug. 10	Aug. 10	Aug. 11	Aug. 12	Aug. 14		Aug. 15	Aug. 22.
Turnpike Roads	Feb. 27	Mar. 3	Mar. 6	Mar. 23	Mar. 24		Mar. 27	May 31.
Land Revenue Accounts	Aug. 3	Aug. 4	Aug. 7	Aug. 9	Order for receiving Report dropped, August 12.			
Loan Societies	July 21	July 24	July 17	July 17	July 17		July 17	Aug. 1.
Lunatic Asylums	Feb. 21	Feb. 21	Order for Second Reading dropped, March 8.					
Machinery	July 7	July 10	Aug. 10	Aug. 11	Aug. 11	Bill withdrawn, August 12.		
Mandamus Appeals	July 14	July 14	July 20	Aug. 3	Aug. 4		Aug. 5	Aug. 22.
Marine Mutiny	Feb. 28	Mar. 13	Mar. 14	Mar. 17	Mar. 20		Mar. 21	April 3.
Marriages and Divorces	Mar. 30	Mar. 30	Put off for Six Months, May 3.					
Metropolitan Buildings	April 6	April 10	July 13	July 14	July 14; Bill as amended to be printed.	Put off for Three Months, July 31.		
Milbank Prison	May 5	May 5	May 8	May 16	May 19		May 23	June 27.
Militia Ballots Suspension	July 20	July 20	July 24	July 25	July 26		July 27	Aug. 10.
Militia Pay	Aug. 8	Aug. 9	Aug. 10	Aug. 11	Aug. 12		Aug. 14	Aug. 22.
Municipal Corporations	Mar. 13	Mar. 21	Put off for Six Months, April 26.					
Municipal Corporations (No. 2.)	May 30	June 15	July 12	July 17, 21	July 17; Bill as amended to be printed. July 21; Bill as amended to be printed.	July 24	July 26	Aug. 24.
Mutiny	Feb. 28	Mar. 13	Mar. 14	Mar. 17	Mar. 20		Mar. 21	April 3.
Naturalization	Feb. 20	Feb. 23	Put off for Six Months, March 8.					
Norfolk Island	June 29	June 29	July 3	July 7	July 7		July 10	July 28.
Personation of Voters	Feb. 10	Feb. 13	Feb. 17	Feb. 22	Put off for Three Months, March 15.			
Players of Interludes	Mar. 14	Mar. 24	April 5	Put off for Three Months, August 4.				
Prison Discipline	July 20	July 20	July 27	Put off for Three Months, August 15.				
Public Notaries	Aug. 7	Aug. 7	Aug. 10	Aug. 11	Aug. 12		Aug. 14	Aug. 24.
Queen's Bench Offices	April 25	April 25	April 28	May 5	May 8		May 9	May 31.
Registration of Voters	Feb. 17	Feb. 20	Feb. 27	Mar. 13, 17, 27; April 3.	Mar. 27; Bill as amended to be printed. April 7.		April 10	May 31.
Saint James' Improvement	April 4	April 4	April 11; and referred to Select Committee; Reported April 27.	April 28	May 1		May 2	May 31.
Salmon Fisheries	May 30	May 30	June 14	June 16	June 19		June 21	July 28
Scientific Institutions	May 25	May 25	June 21	June 29; July 5.	June 29; Bill as amended to be printed. July 10.		July 13	July 28.
Scotland:								
Heritable Securities	May 2	July 28	Order for Second Reading dropped, August 11.					
Holyrood Park	July 11	July 12	July 14	Aug. 4	Aug. 10		Aug. 11	Aug. 22.
Prisons	July 4	July 4	Bill withdrawn, July 20.					
Schoolmasters' Widows' Fund Act Validity.	July 19	July 19	July 19	July 19	July 19		July 19	July 28.

SESS. 1843.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Slave Trade (Austria, &c.)	July 28	July 28	July 31	Aug. 1	Aug. 2	- -	Aug. 3	Aug. 10.
Slave Trade (Bolivia)	Mar. 20	Mar. 23	Mar. 24	Mar. 27	Mar. 28	- -	Mar. 30	April 11.
Slave Trade (Chile)	July 28	July 28	July 31	Aug. 1	Aug. 2	- -	Aug. 3	Aug. 10.
Slave Trade (México)	July 28	July 28	July 31	Aug. 1	Aug. 2	- -	Aug. 3	Aug. 10.
Slave Trade (Portugal)	July 28	July 28	July 31	Aug. 1	Aug. 2	- -	Aug. 3	Aug. 10.
Slave Trade (Texas)	Mar. 20	Mar. 23	Mar. 24	Mar. 27	Mar. 28	- -	Mar. 30	April 11.
Slave Trade Treaties	July 21	July 21	July 24	July 25	July 26	- -	July 27	Aug. 10.
Slave Trade (Uruguay)	Mar. 20	Mar. 23	Mar. 24	Mar. 27	Mar. 28	- -	Mar. 30	April 11.
Small Debts	May 5	May 5	Put off for Three Months, August 4.					
Special Sessions	Aug. 7	Aug. 7	Aug. 10	Aug. 15 - Aug. 15; and further consideration of Report put off for Three Months; Bill as amended to be printed.				
Stamps	July 21	July 24	July 27	July 28	- - July 28; Bill as amended to be printed.	July 31	Aug. 2	Aug. 22.
Stock in Trade	July 21	July 21	July 24	July 25	July 26	- -	July 27	Aug. 10.
Sudbury Commission	Aug. 1	Aug. 3	Aug. 7	Aug. 10	Aug. 11	- -	Aug. 12	Aug. 24.
Sudbury Disfranchisement	Feb. 6	Feb. 7	Feb. 20	Mar. 13	Mar. 17	- -	Mar. 20.	
Sugar Duties	June 13	June 14	June 15	June 22	June 23	- -	June 26	July 4.
Superior Courts of Law	April 27	April 27	Put off for Three Months, August 4.					
Testimony in the Colonies	April 4	April 4	April 7	April 10	April 24	- -	April 25	May 31.
Theatres Regulation	July 26	July 26	July 31	Aug. 4	Aug. 5	- -	Aug. 7	Aug. 22.
Turnpike Acts Continuance	July 28	July 28	July 31	Aug. 11	Aug. 12	- -	Aug. 14	Aug. 22.
Turnpike Trusts	Feb. 10	Feb. 20	- - Mar. 28, and referred to Select Committee; Reported, and ordered to be printed, July 26.					
Warrants of Attorney	July 14	July 14	July 20	July 27	Aug. 3	- -	Aug. 4	Aug. 22.
Waste Lands Allotment	Mar. 30	May 12	Bill withdrawn, July 12.					
West India Islands Relief	July 21	July 24	July 27	July 28	Aug. 7	- -	Aug. 8	Aug. 22.
Wheat (Canada)	May 29	May 29	June 2	June 9	June 12	- -	June 15	July 12.
Woollen Manufactures	May 30	May 30	June 23	July 10	- - July 10; Bill as amended to be printed.	July 14	July 20	Aug. 1.

Sess. 1843.

2.—BILLS which commenced in the HOUSE OF LORDS.

NAME OF BILL.	Brought from the Lords.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Affidavit Commissions	Aug. 11	Aug. 11	Aug. 14	Aug. 15	Aug. 16	- -	Aug. 17	Aug. 22.
Appeals	May 30	June 22	June 23	- - June 26; July 3, 13.	- - June 26; Bill as amended to be printed. July 14.	July 3	July 20	July 28.
Apprehension of Offenders (America).	July 10	July 12	July 17	Aug. 11	Aug. 11	- -	Aug. 15	Aug. 22.
Apprehension of Offenders (France).	July 10	July 12	July 17	Aug. 11	Aug. 11	- -	Aug. 15	Aug. 22.
Attornies and Solicitors	Mar. 17	Mar. 17	March 31	- - April 26; Aug. 7.	- - April 26; Bill as amended to be printed. Aug. 11.	- -	Aug. 12	Aug. 22.
Church of Scotland	July 19	July 20	July 31	Aug. 10	Aug. 10	- -	Aug. 11	Aug. 17.
Copyholds	May 12	May 12	May 19	- - June 2; June 13.	- - June 2; Bill as amended to be printed. June 14.	- -	June 15	June 27.
Coroners	Aug. 14	Aug. 14	Aug. 15	Aug. 16	Aug. 16	- -	Aug. 17	Aug. 22.
Episcopal Functions	July 21	July 21	July 24	- - Aug. 7; Aug. 16.	- - Aug. 7; Bill as amended to be printed. Aug. 17.	- -	Aug. 18	Aug. 22.
House of Lords' Oaths	Feb. 27	Feb. 27	Mar. 6	Mar. 7	Mar. 7	- -	Mar. 8	April 3.
Intercourse with China	Aug. 11	Aug. 11	Aug. 14	Aug. 16	Aug. 16	- -	Aug. 17	Aug. 22.
Law of Evidence	Feb. 14	Feb. 20	March 3	July 27	Aug. 3	- -	Aug. 10, 17	Aug. 22.
Law of Libel	Aug. 1	Aug. 1	Aug. 9	Aug. 16	Aug. 17	- -	Aug. 18	Aug. 24.
Limitation of Actions (Ireland)	July 11	July 13	July 27	Aug. 3	Aug. 4	- -	Aug. 5	Aug. 10.
Marriages (Ireland)	July 21	July 21	July 24	July 24	July 24	- -	July 27	July 28.
Moveable Property (Scotland)	July 14	July 20	July 26	Put off for Three Months, August 10.				
Pound Breach	April 7	April 11	May 24	June 14	June 29	- -	June 30	July 12.
Queen's Bench Prison	May 23	May 23	Order for Second Reading dropped, June 2.					
Sessions of the Peace	July 31	July 31	Put off for Three Months, August 7.			- -		
Slave Trade Suppression	July 25	July 28	July 31	Aug. 18	- - Aug. 18; Bill as amended to be printed.	Aug. 21	Aug. 22	Aug. 24.
Sudbury Witnesses' Indemnity	April 4	April 4	April 4	April 5	April 5	- -	April 5	April 11.
Teachers of Schools (Ireland)	Aug. 15	Aug. 15	Aug. 16	Aug. 17.	Bill withdrawn.			

SESS. 1844.

1.—BILLS which commenced in the HOUSE OF COMMONS.

NAME OF BILL	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Actions for Gaming Discontinuance.	July 2	July 2	July 4	July 10 -	July 11 -	- -	July 12	July 29.
Aliens - - - -	May 17	May 24	June 12	July 4 -	- - July 4; Bill as amended to be printed.	July 8	J ly 10	Aug. 6.
Appeal in Criminal Cases -	May 30	June 11	July 17	Bill withdrawn, July 24.				
Assessed Taxes Compositions	July 4	July 4	July 5	July 8, 9 -	July 10 -	- -	July 11	July 29.
Bailiffs of Inferior Courts -	Mar. 29	Mar. 29	April 15	April 22 -	April 26 -	- -	April 29	June 6.
Bank of England - - -	May 22	May 24	June 13	- - June 24, 27, 28.	- - June 28; Bill as amended to be printed.	July 1	July 4	July 19.
Butter and Cheese - -	June 25	June 25	July 10	July 11 -	July 11 -	- -	July 12	July 29.
Canal Companies - -	June 14	June 14	June 20	July 8 -	- - July 8; Bill as amended to be printed.	- - Put off for Three Months, July 18.		
Church Endowment - -	July 15	July 16	July 17	July 19 -	July 22 -	- -	July 23	Aug. 9.
Charitable Pawn Societies -	April 1	April 1	Bill withdrawn, April 18.					
Clerk of the Crown in Chancery	July 17	July 17	July 19	July 22 -	July 23 -	- -	July 24	Aug. 6.
Clerks of Petty Sessions -	Aug. 8	Aug. 8, and Second Reading put off for Three Months.						
Clerks to Attorneys - -	July 25	July 25	July 26	July 29 -	July 30 -	- -	July 31	Aug. 9.
Colonial Postage - - -	July 1	July 2	July 4	July 9 -	July 10 -	- -	July 11	July 29.
Commons' Inclosure - -	Feb. 29	Feb. 29	Mar. 13	June 5 -	- - June 5; Bill as amended to be printed.	- - Order for Committee dropped, June 28.		
Companies Clauses Consolidation	Aug. 5	Aug. 5; and second Reading put off for Two Months.						
Controverted Elections -	July 5	July 5	July 11	July 25 -	July 26 -	- -	Mar. 15	Mar. 22.
Consolidated Fund (8,000,000*l.*)	Mar. 11	Mar. 11	Mar. 12	Mar. 13 -	Mar. 14 -	- -	July 29	Aug. 9.
Corporate Offices - - -	July 16	July 16	Order for Second Reading dropped, July 24.					
Consolidated Fund (Appropriation).	July 25	July 25	July 26	July 29 -	July 30 -		July 31	Aug. 9.
County Courts - - -	Mar. 29	Mar. 29	April 15	April 22 -	- - April 22; Bill as amended to be printed.	- - Order for further Consideration of Report dropped, July 15.		
County Courts (County Palatine of Lancaster).	April 1	April 1	April 24	Bill withdrawn, July 16.				
County Rates - - -	May 7	May 7	May 14	June 3, 11	- - June 3; Bill as amended to be printed.	- - June 13.	June 21	July 19.
Coroners - - - -	Feb. 12	Feb. 14	Feb. 21	- - Mar. 6, 20; April 19, 24; June 5.	- - March 20; Bill as amended to be printed, April 19; printed, June 12.	April 18	June 21	Aug. 9. Bill as amended to be
Courts of Arches - - -	Feb. 22	Feb. 22	Thrown out on Second Reading, July 10.					
Court of Chancery (County Palatine of Lancaster).	April 1	April 1	April 24	June 5 -	June 19 -	- -	June 24.	
County Rates Assessment -	June 25	June 25	Bill withdrawn, July 16.					
Courts Martial (East Indies)	May 20	May 20	May 22	May 24 -	May 24; Bill as amended to be printed.	May 30	May 31	June 6.
Criminal Justice (Middlesex)	July 12	July 12	July 17	July 25 -	July 26 -	- -	July 29	Aug. 6.
Customs - - - - -	May 7	May 9	May 10	May 17 -	- - May 17; Bill as amended to be printed.	May 22	May 23	June 6.
Customs (Books and Engravings)	July 18	July 19	July 25	July 26 -	July 29 -	- -	July 30	Aug. 6.
Customs (New South Wales)	July 25	July 25	July 26	July 29 -	July 29 -	- -	July 30	Aug. 6.
Damage by Fire (Metropolis)	Mar. 26	Mar. 27	Bill withdrawn, not being in conformity with Order of Leave, April 1.					
Damage by Fire (Metropolis), No. 2.	April 1	April 1	April 19	May 24 -	- - May 24; Bill as amended to be printed.	Put off for Three Months, July 17.		
Dean Forest Encroachments	Mar. 14	Mar. 14	Mar. 18	Mar. 22 -	Mar. 25 -	- -	Mar. 26	May 10.
Detached Parts of Counties -	Mar. 25	Mar. 25	April 18	- - May 1; Bill committed to Select Committee, June 12; Reported and re-committed, June 24; June 25; July 10.	- - June 25; Bill as amended to be printed, July 11.	- -	July 12	Aug. 6.

SESS. 1844.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued*.

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent
Drainage of Lands	July 3	July 3	July 8	Order for Committee dropped, July 17.				
Duchy of Cornwall Assessionable Manors.	June 13	June 13	July 15	July 18	July 18; Bill as amended to be printed.	July 22	July 25	Aug. 9.
Duchy of Cornwall Lands	June 13	June 13	July 15	July 18	July 18; Bill as amended to be printed.	July 22	July 25	Aug. 6.
Ecclesiastical Jurisdiction	July 19	July 19	July 22	July 23	July 24	- -	July 25	Aug. 6.
Edinburgh Agreement	May 3	May 3	May 6	May 9	May 10	- -	May 13	June 6.
Exchequer Bills (18,407,300*l.*)	Apr. 30	Apr. 30	May 2	May 3	May 6	- -	May 7	May 10.
Factories	Feb. 6	Feb. 6	Feb. 12	Mar. 15, 18, 22.	Bill withdrawn, March 29.			
Factories (No. 2.)	Mar. 29	Mar. 29	April 22	April 26; May 3, 6.	May 7	- -	May 13	June 6.
Farm Buildings	July 12	July 12	July 15	July 16	July 17	- -	July 18	Aug. 6.
Field Gardens	June 25	June 25	July 10	July 17	July 17; and further Consideration of Report put off for Two Months.			
Glass and Vinegar Duties	May 2	May 6	May 7	May 31; June 6.	May 31; Bill as amended to be printed. June 7.	- -	June 10	July 4.
Gold and Silver Wares	Mar. 12	Mar. 12	Mar. 25	May 6, 20.	May 6; Bill as amended to be printed. May 20.	- -	May 24	July 4.
Indemnity	Mar. 14	Mar. 14	Mar. 15	Mar. 18	Mar. 22	- -	Mar. 25	April 2.
International Copyright	Mar. 12	Mar. 12	Mar. 18	Mar. 22	Mar. 22	- -	Mar. 25	May 10
IRELAND:								
Arms	July 31	July 31	Aug. 1	Aug. 2	Aug. 2	- -	Aug. 3.	Aug. 9.
Assaults	May 9	May 9	May 13	May 20	May 24	- -	May 30	July 4.
Chaplains to Hospitals	June 3	June 3	Bill withdrawn, July 12.					
Charitable Loan Societies	May 20	May 20	May 24	June 28	June 28	- -	July 8	July 19.
Church Temporalities	April 1	April 2	Order for Second Reading dropped, June 7.					
Corn Markets	July 29	July 29, and put off for a Month.						
Coroners	June 11	June 11	June 26	Bill withdrawn, July 11.				
Fisheries	July 19	July 22	July 26	July 29	July 31	- -	Aug. 1.	Sept. 5.
Grand Canal	July 24	July 24	July 26	July 29	July 30	- -	July 31.	Aug. 9.
Grand Jury Presentments (Dublin.)	June 12	June 12	July 15, and referred to Select Committee; Reported and re-committed, July 23; Bill as amended to be printed.	July 24	July 25	- -	July 26.	Aug. 9.
Law Courts	July 4	July 4	July 8	July 11	July 12	- -	July 13.	Sept. 5.
Linen Manufactures	June 14	June 17	June 20	June 28	July 1	- -	July 3	July 29.
Municipal Corporations	April 1	April 2	April 19	Committee put off for Six Months, July 1.				
Party Processions	July 8	July 11	July 15	July 16	July 17	- -	July 18	Aug. 6.
Protection of Purchasers	June 21	June 21	June 28	July 26	July 29	- -	July 30.	Aug. 9.
Registration of Electors	April 1	April 2	Order for Second Reading dropped, July 1.					
Roman Catholic Clergy	Mar. 11	Mar. 11	Order for Second Reading dropped, June 7.					
Spirits	July 22	July 23	July 26	July 29	July 30	- -	July 31.	Aug. 9.
Tralee Navigation	June 20	June 20	July 15	July 30	July 31	- -	Aug. 1.	Aug. 9
Transfer of Licenses, Post Horses.	July 22	July 22	July 23	July 24	July 25	- -	July 26	Aug. 6.
Turnpike Acts Continuance	May 9	May 9	May 13	May 17	May 20	- -	May 22	July 19.
Unlawful Oaths	May 9	May 9	May 13	July 1	July 2	- -	July 18	Aug. 6.
Isle of Man (Customs)	May 17	May 24	May 30	June 21; July 3.	June 21; Bill as amended to be printed. July 4.	- -	July 5	July 19.

SESS. 1844.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
oint Stock Banks Regulation	April 2	July 4	July 11	July 22, 23	-- July 23; Bill as amended to be printed.	July 25	July 26.	Sept. 5.
oint Stock Companies Registration.	April 2	May 6	June 10	-- June 28; July 3, 10, 19, 23.	-- June 28; Bill as amended to be printed. July 10; Bill as amended to be printed. July 23.	- -	July 25.	Sept. 5.
oint Stock Companies Remedies at Law.	April 2	May 6	June 10	-- June 28; July 10.	-- June 28; Bill as amended to be printed. July 18.	- -	July 22.	Sept. 5.
uvenile Offenders - -	June 21	June 21	Bill withdrawn July 31.					
ands Clauses Consolidation -	Aug. 5	Aug. 5; and Second Reading put off for Two Months.						
and Tax Commissioners -	Mar. 14	Mar. 14	Mar. 15	July 15 -	July 18 -	- -	July 22	Aug. 6.
ime Toll Exemption (Wales)	Mar. 26	April 1	Order for Second Reading dropped, July 3.					
oan Societies - - -	July 12	July 12	July 15	July 16 -	July 17 -	- -	July 18	July 29.
Iarine Mutiny - - -	Feb. 27	Mar. 18	Mar. 20	Mar. 25 -	Mar. 26 -	- -	Mar. 27	April 2.
Iarriage and Divorce - -	Feb. 22	Feb. 22	Bill withdrawn, June 5.					
Iasters and Servants - -	Feb. 22	Feb. 23	Mar. 6	Mar. 13, 20	-- Mar. 13; Bill as amended to be printed. Mar. 26.	- - Committee put off for Six Months, May 1.		
Iedical Practice - - -	Aug. 7	Aug. 7; and Second Reading put off for Three Months.						
Ierchant Seamen - -	July 5	July 5	July 11	July 24, 29	-- July 24; Bill as amended to be printed. July 30; Bill as amended to be printed.	- -	Aug. 1.	Sept. 5
Ierchant Seamen's Fund -	Aug. 5	Aug. 5; and Second Reading put off for Three Months.						
Ietropolis Improvements -	Feb. 2	Feb. 2	Feb. 5	Feb. 10 -	Feb. 10 -	- -	Feb. 12	Mar. 3.
Ietropolitan Buildings -	Feb. 29	Mar. 1	Mar. 29	-- May 17; July 16, 17.	-- May 17; Bill as amended to be printed, July 19; Bill as amended to be printed.	- -	July 22	Aug. 5.
Iilitia Ballots Suspension -	July 1	July 1	July 4	July 5 -	July 8 -	- -	July 9	July 19.
Iilitia Pay - - - -	July 23	July 23	July 25	July 26 -	July 29 -	- -	July 30	Aug. 6.
Iines Registration - -	Aug. 1	Aug. 1, and put off for Three Months.						
Iunicipal Corporations -	June 24	July 4	July 10	July 11 -	July 12 -	- -	July 22	Aug. 9
Iutiny - - - - -	Mar. 5	Mar. 18	Mar. 20	Mar. 25 -	Mar. 26 -	- -	Mar. 27	April 2
Iew South Wales - -	May 24	May 24	May 30	May 31 -	June 3 -	- -	June 6	Aug 6
Iight Poaching Prevention -	Mar. 14	Mar. 14	Mar. 20	Mar. 25 -	Mar. 26 -	- -	Mar. 27	July 4.
Iffences at Sea - - -	Feb. 10	Feb. 10	Feb. 12	Feb. 13 -	Feb. 14 -	- -	Feb. 15	Mar. 5.
Iarish Constables - -	July 12	July 12	July 15	July 16 -	July 18 -	- -	July 19	July 29.
Iarochial Settlement - -	Aug. 8	Aug. 8; and Second Reading put off for Three Months.						
Iiccadilly Improvement -	July 11	July 11	July 26	July 30 -	July 30 -	- -	July 31	Aug. 9.
Ioor Law Amendment - -	Feb. 10	Feb. 10	Feb. 23	-- May 10; July 4, 5, 12, 13, 15, 17, 18.	-- May 10; Bill as amended to be printed, July 18; Bill as amended to be printed.	- - July 24, 25.	July 26	Aug. 9
Irivate Partnerships - -	April 2	July 18	Aug. 2	and put off for a Month.				
Iuarter Sessions - - -	Mar. 7	Mar. 20	Mar. 27	Bill withdrawn, April 18.				
Iailway Clauses Consolidation	Aug. 5	Aug. 5; and Second Reading put off for Two Months.						
Iailways - - - - -	June 17	June 20	July 11	July 18, 22.	-- July 18; Bill as amended to be printed, July 23.	- -	July 25	Aug. 9.
Iavings Banks - - -	May 2	May 2	May 9	-- June 10; July 26.	-- June 10; Bill as amended to be printed, July 29.	- -	Aug. 1	Aug. 9.

(*continued.*)

SESS. 1844.——1. BILLS which commenced in the HOUSE OF COMMONS—*continued.*

NAME OF BILL.	When Ordered.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assen
SCOTLAND:								
Feudal Investitures	July 11	Aug. 2. and put off for a Month.						
Heritable Securities	July 11	Aug. 2, and put off for a Month.						
Parishes	Mar. 5	Mar. 6	Mar. 25	-- Mar. 26; June 7.	-- Mar. 26; Bill as amended to be printed. June 10; Bill as amended to be printed.	- -	June 20	July 1
Prisons	Feb. 29	Feb. 29	Mar. 4	-- June 20; July 1.	-- June 20; Bill as amended to be printed. July 1.	- -	July 4	July 19
Salmon Fisheries	May 24	May 24	June 7	June 14	June 17	- -	June 24	Aug. 9
Slave Trade Treaties	May 22	May 22	May 24	May 30	May 31	- -	June 3	July 4
Slaughtering Horses	July 5	July 5	July 17	July 24	-- July 29; Bill as amended to be printed.	- -	July 31	Aug. 9
Small Debts	Feb. 6	Feb. 6	Order for Second Reading dropped, July 15.					
Smoke Prohibition	May 3	May 14	May 22	June 12	-- June 12; Bill as amended to be printed.	-- Committee put off for Three Months, July 3.		
Stamps	May 3	May 7	May 9	-- May 13; May 17.	-- May 13; Bill as amended to be printed. May 24.	- -	May 30	June 6
Stock in Trade Exemption	July 1	July 1	July 4	July 5	July 8	- -	July 9	July 19
Soap Allowances	July 11	July 11	July 12	July 13	July 15	- -	July 16	July 29
South Sea Company	July 23	July 24	July 26	July 30	July 31	- -	Aug. 1	Aug. 9
Sudbury Disfranchisement	June 20	June 25	July 9	July 10	July 11	- -	July 12	July 29
Sugar Duties	June 4	June 4	June 6	-- June 10, 14, 17, 20.	June 21	- -	June 27	July 4
Superior Courts (Common Law)	Feb. 6	Feb. 6	April 22	Order for Committee dropped, July 15.				
Thames Embankment	July 30	July 31, and put off for Three Months.						
Three-and-a-Half per Cent. Annuities.	Mar. 11	Mar. 11	Mar. 12	Mar. 13	Mar. 14	- -	Mar. 15	Mar. 22
Three-and-a-Half per Cent. Annuities (1818).	Mar. 11	Mar. 11	Mar. 12	Mar. 13	Mar. 14	- -	Mar. 15	Mar. 22
Three-and-a-Half per Cents Dissentients.	July 22	July 22	July 23	July 24	July 24	- -	July 25	Aug. 6
Three-and-a-Half per Cents Exemption.	July 4	July 4	July 8	July 9	July 9	- -	July 10	July 19
Trafalgar Square	July 11	July 11	July 15	July 16	July 16	- -	July 17	Aug. 6
Turnpike Acts Continuance	July 1	July 1	July 4	July 5	July 8	- -	July 9	July 19
Turnpike Trusts (South Wales)	June 25	June 27	July 11	July 24, 25	July 25	- -	July 26	Aug. 9
Vagrants' Removal	July 1	July 1	July 4	July 5	July 9	- -	July 10	July 19
Vestries in Churches	April 22	April 23	Bill withdrawn, May 16.					
Vestries in Churches (No. 2)	May 20	May 20	June 3	June 10	Bill dropped, June 19.			
West India Relief	May 13	May 13	May 16	May 17	May 17	- -	May 20	June 6
Western Australia	July 11	July 12	July 15	July 16	July 17	- -	July 18	July 29
Woods and Forests Accounts	July 24	July 24	July 26	July 29	July 30	- -	July 31	Aug. 9

Sess. 1844.

2.—BILLS which commenced in the HOUSE OF LORDS.

NAME OF BILL.	Brought from the Lords.	Read 1°.	Read 2°.	Considered in Committee.	Reported.	Report further considered.	Read 3°.	Royal Assent.
Art Unions - - - -	July 23	July 23	July 29	July 31 -	Aug. 1 -	- -	Aug. 2.	Sept. 5.
Charitable Bequests, &c., (Ireland).	July 23	July 23	July 29	Aug. 1, 2 -	- - Aug. 2; Bill as amended to be printed.	Aug. 3	Aug. 5	Aug. 9.
Copyholds Enfranchisement -	June 13	June 14	June 19	- - June 24; July 16.	- - June 24; Bill as amended to be printed. July 17.	- -	July 18	July 29.
Courts of Common Law Process.	May 20	May 20	May 24	July 19 -	July 29 -	- -	July 30.	
Courts of Common Law Process (Ireland).	May 20	May 20	May 24	July 19 -	July 29 -	- -	July 30.	
Dissenters' Chapels - -	May 10	May 10	June 6	June 10, 21	- - June 10; Bill as amended to be printed. June 24; Bill as amended to be printed.	- -	June 28	July 19.
Debtors and Creditors - -	July 30	July 30	Aug. 1	Aug. 2 -	Aug. 2. -	- -	Aug. 3	Aug. 6.
District Courts - - -	July 11	July 12	July 16	July 17 -	July 17 -	- -	July 18	July 29.
Eastern Counties Railway Act Validity.	May 20	May 20	May 21	May 21 -	May 21 -	- -	May 21	May 23.
Ecclesiastical Courts - -	April 2	April 2	April 22	May 3, 31 -	- - May 3; Bill as amended to be printed.	- - Order for Committee dropped, July 8.		
Education - - - -	June 19	June 20	June 24	June 28 -	June 28 -	- -	July 1	July 19.
Forestalling, &c. - - -	May 10	May 14	May 22	June 3 -	June 3 -	- -	June 6	July 4.
Gaming Transactions (Witnesses' Indemnity).	Feb. 20	Feb. 26	Mar. 12	Mar. 13 -	- - Mar. 13; Bill as amended to be printed.	Mar. 15	Mar. 18	Mar. 22.
Horse-racing Penalties -	Feb. 10	Feb. 10	Feb. 14	Feb. 21 -	- - Feb. 21; Bill as amended to be printed.	Feb. 26	Feb. 27	Mar. 5.
Insolvent Debtors - -	July 26	July 26	July 31	Aug. 2, 3, 5	- - Aug. 2; Bill as amended to be printed. August 6.	- -	Aug. 7	Aug. 9.
Lecturers and Parish Clerks -	June 24	July 9	July 17	July 18 -	July 19 -	- -	July 25	July 29.
Limitations of Actions (Ireland).	May 10	May 30	May 31	June 6 -	June 6 -	- -	June 17	July 4.
Marriages - - - -	July 9	July 10	July 12	July 19, 22	- - July 19; Bill as amended to be printed. July 23.	- -	July 24	July 29.
Marriages (Ireland) - -	July 11	July 11	July 25	- - July 29; Aug. 1.	- - July 29; Bill as amended to be printed. Aug. 2.	- -	Aug. 3	Aug. 9.
Privy Council - - -	July 5	July 9	July 19	July 26 -	July 29 -	- -	July 30	Aug. 6.
Roman Catholic Penalties Repeal.	Aug. 1	Aug. 1.	Aug. 5	Aug. 6 -	Aug. 7 -	- -	Aug. 8	Aug. 9
Teachers' of Schools (Ireland)	Feb. 15	Feb. 20	Mar. 6	Mar. 14 -	Mar. 14 -	- -	Mar. 15	Mar. 22.
Transfer of Property - -	July 30	July 30	Aug. 1	Aug. 2 -	Aug. 3 -	- -	Aug. 5	Aug. 6.

PRIVATE BILLS.

RETURN of the PRIVATE BILLS which, in the present Session, have been treated as OPPOSED BILLS, distinguishing those against which no one appeared before the Committee, together with the Number of DAYS which the Committee on each such Bill has sat; the Names of the MEMBERS selected, and the Number of Days on which each Selected Member has served on such Committee; Number of PETITIONS for BILLS presented in conformity with the Sessional Orders; Number of PETITIONS for leave to present a Petition; Number of PETITIONS referred to the Standing Orders Committee; Number of Cases in which the Parties were allowed to proceed with the Bill; Number of BILLS read a First Time; Number of BILLS read a Second Time, and Committed; Number of BILLS Reported.

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Committee on Bill.	Postponements.	REMARKS.
Ashton, Staleybridge and Liverpool Junction Railway -	Hon. R. Clive - -	Nine - -	- - -	April - 24	- - -	Select Committee.
	Mr. Vernon Smith -	Nine.				
	Mr. Trotter - -	Nine.				
Ashton, Sheffield and Manchester Railway (competing Lines) - - -	Captain Jones - -	Nine.				
	Rt. Hon. H. Labouchere -	Chairman -	Nine.			
Birkenhead Improvement -	Mr. M. Gore (Barnstaple)	- - -	- - -	March - 14	March 22 - -	- - Attended by eleven Members on the Speaker's List.
	Mr. Duffield - -	Two.				
	Mr. Dodd - - -	Two.				
	Sir R. Inglis.					
	Mr. Beckett.					
	Mr. Curteis - -	Chairman -	Two.			
Brighton and Chichester Railway.	Mr. Wynn Ellis - -	Nine - -	- - -	April - 23	- - -	- - Attended by sixteen Members on the Speaker's List.
	Sir J. Trollope.					
	Captain A'Court.					
	Mr. Tancred - -	Chairman -	Nine.			
	Mr. Rashleigh - -	Eight.				
	Mr. Newdigate.					
	Viscount Ingestre.					
	Viscount Emlyn - -	Nine.				
British Iron - - -	Viscount Bernard - -	Chairman -	Four -	March - 28	April 23 and 30 -	- - Attended by five Members on the Speaker's List.
	Mr. Loch.					
	Rt. Hon. J. Nicholl -	Two.				
	Colonel Pennant.					
	Dr. Stock - - -	Four.				
	Sir R. Howard.					
	Sir A. L. Hay - -	Four.				
Blackburn and Preston Railway.	Earl of Arundel - -	- - -	- - -	April - 26	- - -	- - Attended by five Members on the Speaker's List.
	Hon. F. Charteris -	Two.				
	Lord H. Vane - -	Chairman -	Two.			
	Mr. Blackstone - -	Two.				
	Mr. E. Ellice, jun.					
	Mr. Sanderson - -	Two.				
Birkenhead Docks - -	Mr. Rice - - -	Chairman -	Fourteen -	March - 8	- - March 18; May 2, dropped; Revived and sat, May 6.	- - Committee discharged, and re-appointed after Easter. It eventually met and proceeded on the 6 May. Attended by fourteen Members on the Speaker's List. The Committee dropped on the 2d May, a quorum of Selected Members not being present.
	Mr. S. Ogle.					
	Mr. Scott Murray.					
	Mr. P. Stewart.					
	Mr. Neville - -	Thirteen.				
	Mr. Lockhart - -	Fourteen.				
	Mr. Watts Russell -	Thirteen.				
	Mr. Thornely - -	Fourteen.				
Colchester and Harwich Railway - - - - -	Mr. H. Hinde - -	Ten - -	- - -	April - 29	- - -	- - Select Committee. The Committee negatived the Preambles of both Bills.
	Mr. Ross - - -	Ten.				
	Mr. T. D. Acland -	Ten.				
Harwich Railway and Pier (competing Lines) - -	Mr. More O'Ferrall -	Chairman -	Ten.			
	Mr. Tatton Egerton -	Ten.				
Chester and Holyhead Railway.	Sir G. Staunton - -	- - -	- - -	April - 23	April 29 - -	- - Attended by twelve Members on the Speaker's List.
	Sir R. Lopes - -	Four.				
	Mr. Wodehouse.					
	Mr. D. Barclay.					
	Sir J. C. Hobhouse.					
	Mr. Thomas Mackenzie.					
	Mr. H. C. Compton -	Five.				
	Mr. Marshall - -	Chairman -	Five.			
	Lord J. Manners - -	Five.				
Canterbury Pavement - -	Sir J. Walsh - -	- - -	- - -	May - 7	May 15 - -	- - Attended by two Members on his Speaker's List.
	Mr. D. Barclay - -	One.				
	Mr. Hutt.					
	Marquis of Blandford.					
	Mr. G. Bankes.					
	Mr. Wawn - - -	One.				
	Mr. Ward - - -	Chairman -	One.			

\- - List of such Private Bills as during the present Session have been treated as Opposed Bills, with the Names of the Members selected, &c.—*continued.*

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Committee on Bill.	Postponements.	REMARKS.
Coventry Improvement -	Mr. Duncan - -	Two - -	- - -	June - 3	- - -	- - Attended by five Members on the Speaker's List. The Bill was re-committed on the 18 June, and attended by all the Selected Members, and two Members on the Speaker's List.
	Mr. Gibson Craig - -	Two.				
	Mr. R. Yorke.					
	Sir W. James.					
	Mr. Barneby.					
	Lord Courtenay.					
	Viscount Clive - -	Chairman -	Two.			
Eastern Counties Railway -	Lord Northland - -	- - -	- - -	March - 22	- - -	- - Attended by three Members on the Speaker's List.
	Lord James Stuart -	Chairman -	Two.			
	Mr. Hastie.					
	Mr. Aldam.					
	Mr. Borthwick - -	Two.				
	Mr. R. O. Gore - -	Two.				
	Mr. Davies.					
Eastern Counties (Brandon Extension).	Mr. Ainsworth - -	- - -	- - -	March - 29	- - -	- - Attended by five Members on the Speaker's List.
	Mr. Collett.					
	Mr. Blewitt.					
	Mr. Bell.					
	Mr. Vernon Harcourt -	Chairman -	One.			
	Mr. E. Buller - -	One.				
	Mr. Buckley - -	One.				
	Hon. R. Clive.					
	Mr. Mitchell.					
Eastern Union Railway -	Mr. Pusey - - -	- - -	- - -	April - 24	April 29 - -	- - Attended by eleven Members on the Speaker's List.
	Dr. Bowring.					
	Mr. Ireland Blackburne.					
	Sir C. Coote - -	Nine.				
	Mr. Colvile - - -	Nine.				
	Mr. Bellew - - -	Chairman -	Nine.			
	Hon. H. Howard - -	Nine.				
European Life Assurance -	Right hon. F. Baring -	Chairman -	One - -	April - 30	- - -	- - Attended by one Member on the Speaker's List.
	Mr. Milner Gibson -	One.				
	Mr. P. Howard - -	One.				
	Sir R. Heron.					
	Sir J. Hanmer.					
	Sir W. Jolliffe - -	One.				
	Hon. C. Cavendish.					
Epsom and South Western -	Viscount Howick - -	Chairman -	Twelve -	May - 3	- - -	Select Committee.
	Mr. Lascelles - -	Twelve.				
Croydon and Epsom (competing Lines) - -	Mr. Miles - - -	Eight.				
	Mr. Protheroe - -	Twelve.				
	Mr. Forbes Mackenzie -	Twelve.				
Edinburgh and Glasgow Railway - - - -	Mr. Bramston - -	Chairman -	Six - -	- - -	May 10 - -	- - Order for the meeting of the Committee on the Edinburgh and Glasgow Railway Bill discharged, in consequence of an order of The House, that the three Bills should be referred to the same Committee; the parties promoting the other Bills not being prepared to go into Committee, and being occupied with other Scotch Bills, it was not till the 10th of May that the Committee were enabled to proceed with the Bills. Attended by fifteen Members on the Speaker's List.
	Mr. Mitcalfe - -	Five.				
	Lord Courtenay.					
	Mr. Mark Philipps.					
	Mr. H. G. Ward.					
Edinburgh, Leith and Newhaven - - - -	- - - - -	- - -	- - -	March - 18.		
	Mr. Gisborne.					
	Mr. Douglas.					
	Hon. W. O. Stanley.					
Slamannan Railway - -	Mr. Wodehouse.					
	Captain Layard - -	Four.				
	Mr. Davies - -	Six.				
	Colonel Rolleston - -	Four.				
Great Western Railway -	Sir Denham Norreys -	- - -	- - -	March - 8	March 11 -	- - Attended by ten Members on the Speaker's List.
	Sir G. Strickland.					
	Mr. Monckton Milnes -	Chairman -	Three.			
	Mr. H. Stuart - -	Two.				
	Mr. Smollett - -	Three.				
	Mr. Lawson - -	Three.				
	Captain Gladstone -	Three.				
Guildford Junction Railway -	Lord Rendlesham - -	Chairman -	One - -	March - 18	- - -	- - Attended by three Members on the Speaker's List.
	Mr. Evelyn J. Shirley -	One.				
	Mr. J. W. Russell -	One.				
	Mr. Standish - -	One.				
	Mr. Ainsworth - -	One.				
Glasgow, Garnkirk and Coatbridge Railway (competing with an existing Line).	Mr. M'Geachy - -	Eleven -	- - -	April - 25	April 26 - -	Select Committee.
	Mr. Parker - - -	Chairman -	Eleven.			
	Sir E. Hayes - -	Eleven.				
	Captain Carnegie - -	Eleven.				
	The O'Conor Don -	Five.				

(*continued.*)

List of such Private Bills as during the present Session have been treated as Opposed Bills, - - - - - - -

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Committee on Bill.	Postponements.	REMARKS.
Gorbals Statute Labour -	- - - - - -	- - -	- - -	April 25, 26.	- - -	- - Committee of 26th April discharged The Bill was eventually withdrawn.
Great Southern and Western Railway.	Mr. Gisborne - -	Chairman -	Two - -	July - 1	- - -	- - Attended by thirteen Members on the Speaker's List. In this Committee an objection was taken to the validity of the Petition of the Grand Canal Company, on the ground that the seal of the Company had been affixed to it previous to the preparation of the Petition, and that it had not received the legal sanction of a Board of Directors. Counsel were heard and witnesses examined on both sides, and the Committee decided that the parties could not be heard on the allegations of their petition.
	Mr. Granville Vernon -	Two.				
	Hon. John S. Wortley -	Two.				
	Right hon. A. Rutherford.					
	Mr. Darby - - -	Two.				
Hartlepool, West, Harbour and Dock.	Mr. Bradshaw - -	- - -	- - -	March - 19	- - -	- - Attended by twelve Members on the Speaker's List.
	Mr. Arkwright - -	Six.				
	Mr. R. Palmer - -	Chairman -	Six.			
	Hon. W. Fitzmaurice -	Six.				
	Mr. S. R. Phillips -	Four.				
Harrogate and Knaresborough Railway.	Mr. Blakemore - -	- - -	- - -	May - 1	May 6, 8 - -	- - Attended by eleven Members on the Speaker's List.
	Mr. Buller East - -	Seven.				
	Sir E. Filmer - -	Chairman -	Seven.			
	Earl of Listowel.					
	Mr. Muntz.					
	Colonel Paget - -	Seven.				
	Colonel Ferguson - -	Seven.				
	Mr. Farnham - -	Seven.				
	Mr. Redington.					
	Mr. Mitchell.					
	Mr. Marsland.					
Huddersfield Branch Railway	Mr. Du Pré - -	- - -	- - -	May - 17	May 20 - -	- - This Bill was withdrawn by the Promoters without going into Committee.
	Sir J. Flower.					
	Mr. P. Miles.					
	Alderman Humphrey.					
	Mr. Currie.					
Kingston-on-Hull Docks -	Hon. J. Maxwell - -	- - -	- - -	May - 1	- - -	- - Attended by six Members on the Speaker's List.
	Mr. Langston - -	Twelve.				
	Mr. P. S. Miles - -	Twelve.				
	Mr. Du Pré.					
	Mr. Long - - -	Chairman -	Twelve.			
	Mr. Mangles.					
	Colonel Rushbrooke.					
Lancaster and Carlisle Railway	Mr. Pakington - -	- - -	- - -	March - 7	March 8, 11 -	- - Attended by eleven Members on the Speaker's List.
	Mr. Pulsford - -	Two.				
	Mr. Hayter.					
	Hon. R. Scarlett.					
	Mr. Phillpotts - -	Two.				
	Lord G. Bentinck.					
	Sir W. Clay - -	Chairman -	Two.			
	Mr. Gregory.					
	Mr. B. Wall - -	Two.				
Liverpool New Gas and Coke Company.	Sir J. Easthope - -	Four - -	- - -	March - 7	- - -	- - Attended by nine Members on the Speaker's List.
	Lord C. Wellesley -	Four.				
	Captain Hatton.					
	Colonel Fox - -	Chairman -	Four.			
	Mr. Dodd.					
	Mr. Mackinnon - -	Three.				
Leeds and Bradford Railway -	Sir T. Colebrooke -	Chairman -	Seven -	March - 21	- - -	- - Attended by eleven Members on the Speaker's List. Was re-committed on the 1st May, and attended by three Selected Members.
	Mr. Chute - - -	Seven -	and One on Re-committal.			
	Captain Rous - -	Seven -				
	Mr. Lindsay.					
	Mr. F. Hodgson - -	Seven -				
Liverpool Docks - -	Captain Plumridge -	Six - -	- - -	March - 29	- - -	- - Attended by twelve Members on the Speaker's List. The Bill was re-committed on the 10th May, for an object specified in the order of re-committal. Lord G. Somerset was added to the Committee, by an order of The House, as a representative of the Government. The Committee sat three days, and was attended by all the Selected Members.
	Mr. Gill.					
	Mr. Sanderson.					
	Major Beresford - -	Chairman -	Six.			
	Mr. Martin.					
	Sir Thomas Troubridge -	Six - -	and Three on Re-committal.			
	Mr. Barnard - -	Six - -				

- - - - - with the Names of the Members selected to serve on the several Committees on such Bills, &c.—*continued.*

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Committee on Bill.	Postponements.	REMARKS.
Leeds and Selby Railway Purchase (No. 2.)	Viscount Chelsea Mr. Hampden. Lord R. Grosvenor. Mr. Bankes. Mr. Christie. Sir J. M'Taggart. Viscount Grimston Captain Boldero Mr. Wilshere	Two Two. Chairman Two.	- - -	April - 1	April 22	- - Attended by four Members on the Speaker's List.
London Gas Light	Sir J. Johnstone Mr. Wrightson Mr. Gally Knight Mr. Christopher Mr. Pendarves	Six Six. Chairman Five. Five.	- - - Six.	March - 22	April 23	- - The order for the Committee meeting on March 22 was discharged. Committee subsequently met on the 23d April. Attended by ten Members on the Speaker's List.
Leeds New Gas	Viscount Ingestre Mr. Collett (Athlone) Mr. Baskerville Lord M. Hill. Sir William Codrington. Colonel Conolly. Marquis of Douro.	Chairman Two. Two.	Two	April - 29	- - -	- - Attended by nine Members on the Speaker's List.
London and South Western Railway (No. 1.)	Mr. B. Hughes Sir E. Colebrooke Captain A'Court Mr. D'Israeli. Hon. G. W. Fitzwilliam	One Chairman One. One.	- - - One.	May - 20	June 11	- - Postponed till after Whitsuntide. Met June 11; attended by two Members on the Speaker's List.
Manchester and Birmingham Railway (Poynton Branches).	Admiral Dundas Sir W. Jolliffe. Mr. J. Round Mr. Buck. Hon. R. Colborne. Sir J. Duke Mr. Towneley Mr. Forster.	Chairman Four. Four. Four.	Four	March - 18	- - -	- - Attended by twelve Members on the Speaker's List.
Manchester and Leeds (Bury Branch) Manchester, Leeds and Rossendale (competing Lines of Railway)	Right hon. F. Shaw Mr. Ludlow Bruges Mr. Stanton Mr. Henley Hon. W. Cowper	Chairman Eight. Eight. Eight. Eight.	Eight	March - 21	- - -	Select Committee.
Manchester Improvement Manchester Police	Mr. Campbell Mr. Whitmore. Hon. G. H. Smythe. Mr. Marjoribanks Mr. E. Heneage. Mr. Lambton. Hon. H. Liddell Hon. W. A'Court Holmes Mr. John Neeld Mr. Mildmay.	- - - Three. Chairman Three. Three.	- - - Three.	May - 1	- - -	- - Attended by six Members on the Speaker's List. The Manchester Improvement Bill was re-committed, and sat one day on Re-committal.
Maryport and Carlisle Railway.	Captain Layard Mr. J. H. Vivian. Mr. Ambrose Hussey Mr. Hollond. Mr. Hale. Viscount Adare Viscount Somerton. Mr. Oswald.	One One. Chairman 	- - - One.	April - 25	May 1	- - Attended by three Members on the Speaker's List.
Manchester and Leeds Railway (Bradford Branch).	Mr. Thomas Baring Mr. Gill. Sir G. Staunton. Mr. C. Round. Mr. Bannerman Mr. Collins. Mr. J. Bailey, jun. Mr. C. W. Martin. Mr. E. Turner. Sir S. Glynne Mr. Waddington	- - - Chairman Five. Five.	- - - Five.	May - 6	- - -	- - The Committee dropped on the 6th May, in consequence of a quorum of Selected Members not being present; it was revived, and sat, by order of The House, on the following day. Attended by ten Members on the Speaker's List.
Middle Level Drainage	Mr. Pusey Mr. Hayter Mr. F. Dundas Sir P. Egerton. Lord F. Egerton. Mr. Beckett Denison	Chairman Thirty-one. Thirty-two. Twenty-nine.	Thirty-three	May - 6	- - -	- - Attended by nine Members on the Speaker's List. It was in this Committee that the question arose as to the degree of interest in the measure which should be held to invalidate a Member's vote; the subject was brought under the consideration of The House, and fully discussed, but no definite rule was laid down. *Vide* Commons' Journals.

(*continued.*)

List of such Private Bills as during the present Session have been treated as Opposed Bills, - - - - - -

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Committee on Bill.	Postponements.	REMARKS.
Monkland Railway (No. 2), and Wishaw and Coltness Railway.	Mr. Bulkeley Hughes -	- - -	- - -	June - 4	- - -	- - Attended by three Members on the Speaker's List. By leave of The House the Committee, after the third day's sitting, proceeded with two Selected Members. The Bill was originally brought in as the Monkland Railway Bill, No. 2.; but by an instruction of The House, 7th June, the Committee were empowered to divide it into two Bills.
	Sir Denham Norreys.					
	Mr. J. N. Lowther.					
	Major M'Namara.					
	Marquis of Blandford.					
	Mr. R. Collett - -	Chairman -	Six.			
	Mr. Redington.					
	Mr. Scholefield - -	One.				
	Sir C. Douglas - -	Two.				
	Mr. G. C. Legh - -	Six.				
	Mr. J. H. Hamilton.					
	Colonel Rushbrooke.					
Midland Railway Consolidation	Mr. J. P. Somers -	- - -	- - -	March - 21	- - -	- - Attended by five Members on the Speaker's List.
	Mr. Forbes Mackenzie -	Two - -	Chairman.			
	Mr. Hope Johnstone -	Two.				
	Mr. A. Hope - -	Two.				
	Mr. P. F. Howard -	Two.				
	Mr. Hussey - - -	Two.				
Market Harborough Road -	Mr. Redington - -	- - -	- - -	June - 27	- - -	- - Attended by three Members on the Speaker's List.
	Mr. Entwisle - -	One.				
	Mr. Bouverie.					
	Mr. B. Escott - -	One.				
	Lord Seymour - -	Chairman -	One.			
Norwich and Brandon Railway.	Mr. Dickinson - -	Three -	- - -	March - 8	March 12 -	- - Attended by seven Members on the Speaker's List.
	Mr. R. Scott - -	Three.				
	Mr. O. Morgan - -	Three.				
	Mr. S. Brownrigg -	Chairman -	Three.			
	Mr. Packe - - -	Three.				
North British Railway -	Sir J. Chetwode - -	Seven -	- - -	March - 21	- - -	- - Attended by thirteen Members on the Speaker's List.
	Captain Bernal.					
	Mr. G. C. Legh.					
	Sir C. Lemon - -	Chairman -	Seven.			
	Mr. Botfield.					
	Mr. Stafford O'Brien -	One.				
	Mr. J. D. Gardner -	Seven.				
Ness Fisheries - - -	- - - - -	- - -	- - -	- - -	- - -	- - A Petition was presented against the Bill, and referred to the Committee; but the parties, previous to the day of meeting, having informed The House that they withdrew their opposition to the Bill, the Order referring the Petition to the Committee was discharged, and the Bill was in consequence treated by the Committee of Selection as an unopposed Bill.
Newbury and Great Western Railway - - - / Newbury and Basingstoke (competing Lines) -	Mr. Pakington - -	Chairman -	Seven -	March - 25	- - -	Select Committee.
	Mr. Ord - - -	Seven.				
	Mr. Beckett - -	Seven.				
	Mr. W. Evans - -	Seven.				
	Mr. Colquhoun - -	Six.				
Northern and Eastern Railway (Newport Deviation).	Viscount Barrington -	Chairman -	One - -	March 29	- - -	- - Attended by nine Members on the Speaker's List.
	Mr. Matheson - -	One.		April - 26.		
	Mr. Macaulay.					
	Mr. Morris - - -	One.				
	Mr. Grimsditch.					
	Lord E. Bruce - -	One.				
	Marquis of Douro.					
North Wales Mineral Railway	Mr. Turner (Truro) -	- - -	- - -	May - 20	June 5 - -	- - Postponed till after Whitsuntide; was appointed to meet on June 5th, but dropped from the absence of a quorum of Selected Members; was revived, and met by order of the House, on June 7th; and attended by five Selected and three Speaker's List Members.
	Mr. E. Stanley.					
	Lord Seymour.					
	Sir H. Smyth.					
	Mr. Hutt.					
	Mr. Douglas.					
	Mr. G. W. Heneage -	One.				
	Sir G. Grey - -	Chairman -	One.			
	Mr. Irton - - -	One.				
	Mr. Stansfield - -	One.				
	Mr. Entwisle - -	One.				
Paisley Gas - - -	Earl Jermyn - -	Chairman -	Thirteen -	June - 5	- - -	- - Attended by twelve Members on the Speaker's List; the Committee adjourned on one day without doing business, a quorum of Members not being present.
	Hon. W. Dawnay.					
	Hon. G. Smythe.					
	Mr. Broadwood.					
	Mr. Plumptre - -	Twelve.				
	Mr. Wykeham Martin -	Twelve.				
	Mr. Fellowes.					
	Hon. F. Ashley Cooper.					
	Mr. Gill.					

- - - - - with the Names of the Members selected to serve on the several Committees on such Bills, &c.—*continued.*

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Commitee on Bill.	Postponements.	REMARKS.
Pendleton Roads - -	Mr. Thomas Baring -	- - -	- - -	June - 25	- - -	- - Attended by six Members on the Speaker's List.
	Mr. Home Drummond -	One.				
	Mr. Dowdeswell - -	Two.				
	Mr. Charles Wood.					
	Lord Worsley - -	Chairman -	Two.			
	Mr. Adderley - -	Two.				
Ribble Navigation - -	Mr. G. Bankes - -	- - -	- - -	March - 5	- - -	- - Attended by three Members on the Speaker's List.
	Mr. P. Scrope - -	Chairman -	One.			
	Mr. Trelawny - -	One.				
	Mr. Divett - - -	One.				
	Sir Thomas Winnington	One.				
Rochdale Gas - - -	Viscount Ebrington -	Two - -	- - -	March - 8	- - -	- - Attended by twelve Members on the Speaker's List.
	Mr. M'Geachy - -	Two.				
	Sir R. Philipps - -	Two.				
	Sir H. W. Barron - -	Chairman -	Two.			
	Mr. Mainwaring - -	Two.				
Rochdale Improvement -	Hon. G. Cavendish -	Seven -	- - -	March - 29	April 25, 30 -	- - Order for Committee meeting on March 29th discharged. Committee re-appointed, and subsequently met on April 30th, and attended by fifteen Members on the Speaker's List.
	Mr. D. Maclean.					
	Captain Duncombe -	Seven.				
	Lord C. Manners - -	Seven.				
	Viscount Mahon - -	Chairman -	Seven.			
	Earl of Shelburne.					
Reversionary Interest Society - - - - -		- - -	- - -	- - -	- - -	- - Parties gave notice that they did not intend to proceed with the Bill, and the Committee was discharged.
South-Eastern Canterbury and Margate Railway.	Mr. Hindley - -	Chairman -	One - -	March - 25	March 27.	
	Mr. Ramsbottom.					
	Mr. Greenall - -	One.				
	Mr. Metcalfe.					
	Mr. H. Hinde.					
	Viscount Duncan - -	One.				
Salisbury Branch Railway -	Mr. Mundy - - -	Chairman -	Two - -	March - 22	April 24 - -	- - Attended by three Members on the Speaker's List.
	Sir R. Pigot.					
	Mr. Ackers - - -	Two.				
	Hon. F. Tollemache -	Two.				
	Mr. Farnham.					
South-Eastern and Hastings Railway - - -	Mr. Cripps - - -	Chairman -	Seventeen -	- - -	April 26 - -	Select Committee.
	Mr. Villiers Stuart -	Seventeen.				
Brighton, Lewes and Hastings (competing Lines) -	Mr. Sotheron - -	Seventeen.				
	Mr. Dickinson - -	Seventeen.				
	Mr. Adderley - -	Thirteen.				
South Devon Railway - -	Mr. Barneby - -	- - -	- - -	- - -	- - -	- - Order for Committee meeting on March 28th discharged. Committee nominated after Easter, and met on April 26th. Attended by sixteen Members on the Speaker's List.
	Sir J. Mordaunt - -	Chairman -	Eight -	March - 28	April 26.	
	Captain E. G. Howard -	Eight.				
	Lord Dalmeny.					
	Mr. Rice.					
	Mr. Turnor - -	Eight.				
Southampton Improvement -	Earl Jermyn - -	- - -	- - -	April - 23	April 30 - -	- - Attended by three Members on the Speaker's List.
	Mr. Burroughes.					
	Mr. Horsman.					
	Mr. Bagge.					
	Sir J. Trollope - -	Chairman -	Four.			
	Colonel Conolly - -	Four.				
	Mr. Joseph Bailey (Worcester).	Four.				
	Sir T. Acland.					
	Mr. Busfeild.					
	Mr. James					
	Viscount Duncannon.					
	Mr. T. P. Williams.					
Salford Improvement (No. 2.)	Mr. Kemble - -	Chairman -	One - -	April - 2	May 3 - -	- - Order for Committee meeting on April 2d discharged. Committee appointed to meet after Easter; actually met on May 3d, and attended by twelve Members on the Speaker's List.
	Viscount Jocelyn - -	One.				
	Sir B. Hall.					
	Mr. Forster - - -	One.				
	Mr. Tomline - -	One.				
	Colonel Paget.					
	Mr. Cochrane - -	One.				

(*continued.*)

List of such Private Bills as during the present Session have been treated as Opposed Bills, - - - - - - - -

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Committee on Bill.	Postponements.	REMARKS.
Stratford and Thames Junction Railway.	Lord Seymour - -	- - -	- - -	May - 7	May 13 - -	- - The Committee dropped on the 13t five Members not being present. It w revived, and met by order of the Hous on the 16th May. Attended by four S lected Members, and four on the Speake List.
	Mr. Stansfield.					
	Mr. Childers.					
	Sir H. Halford.					
	Mr. Bright.					
	Mr. Sturt - - -	Chairman -	One.			
	Lord A. Lennox.					
	Mr. Brisco - - -	One.				
	Lord Leveson - -	One.				
	Mr. Blakemore.					
	Mr. Buck.					
	Mr. R. Price - -	One.				
Sidmouth and Collumpton Road.	Mr. Horsman - -	- - -	- - -	April - 1	- - Numerous, from time to time.	- - Order for Committee meeting on Apr 1st discharged. Committee subsequent met on May 9th. Numerous postpon ments of the Committee took place, consequence of the length of time t South Devon Railway was in Committe Attended by six Members on the Speake List.
	Mr. F. W. Knight -	Two.				
	Mr. Irton.					
	Mr. Cobden.					
	Mr. Rice Clayton - -	Chairman -	Two.			
	Mr. A. Oswald - -	Two.				
	Mr. Lefroy.					
	Right hon. Fox Maule.					
South-Eastern Railway -	Sir R. Heron - -	Three -	- - -	April - 22	May 10 - -	- - Attended by nine Members on t Speaker's List.
	Mr. B. Hughes - -	Two.				
	Mr. Dugdale - -	Chairman -	Three.			
	Mr. Joseph Neeld -	Three.				
	Lord Howard - -	Two.				
Southampton Marsh Improvement.	Mr. Antrobus - -	- - -	- - -	May - 13	- - -	- - Attended by four Members on t Speaker's List.
	Mr. Tufnell.					
	Mr. E. Stanley.					
	Mr. Leader.					
	Hon. W. Bagot.					
	Lord John Russell -	Chairman -	Two.			
	Mr. Ainsworth - -	Two.				
	Colonel Verner - -	Two.				
Sheffield United Gas - -	Mr. Gill - - -	One - -	- - -	March - 28	- - April 26; May 15.	- - Order for Committee meeting on Marc 28th and April 26th discharged. Com mittee subsequently nominated, and m on May 15th, and attended by two Mem bers on the Speaker's List.
	Sir John Seale - -	One.				
	Earl of Arundel - -	Chairman -	One.			
	Lord A. Hervey - -	One.				
	Mr. Baldwin - -	One.				
	Mr. Newdigate.					
Swansea Harbour - -	Mr. Watson - -	One - -	- - -	May - 16	- - -	- - Attended by three Members on t Speaker's List.
	Mr. Scholefield - -	One.				
	Mr. C. Goring - -	One.				
	Sir G. Strickland - -	Chairman -	One.			
	Mr. Douglas.					
Swansea Improvement -	Marquis of Granby -	Three -	- - -	May - 17	- - -	- - Attended by five Members on t Speaker's List; was re-committed on t 18th June, with leave to proceed with tw Selected Members; sat one day on R committee.
	Mr. Trelawney.					
	Mr. S. Spry.					
	Mr. C. G. Round -	Chairman -	- - Three, and one on Re-committal.			
	Right hon. Fox Maule.					
	Sir H. Smith.					
	Mr. Granger.					
	Mr. Childers - -	- - Three, and one on Re-committal.				
Taff Vale Railway - -	Mr. Childers - -	- - -	- - -	April - 29	May 6, 14 -	- - Attended by nine Members on t Speaker's List.
	Mr. Hardy.					
	Viscount Palmerston.					
	Mr. B. Wood.					
	Mr. Hurst - - -	Four.				
	Sir E. Colebrooke -	Four.				
	Hon. W. O. Stanley -	Chairman -	Four.			
	Mr. Ricardo.					
	Mr. Thomas Baring.					
	Mr. H. C. Ward.					
	Mr. G. Vernon.					
	Mr. John Stewart.					
Ventnor Improvement -	Mr. Welby - - -	Two - -	- - -	May - 16	- - -	- - Attended by five Members on t Speaker's List.
	Mr. Plumptre.					
	Mr. Darby - - -	Chairman -	Three.			
	Hon. W. Dawnay.					
	Mr. Grimsditch.					
	Hon. J. Howard - -	Three.				
	Sir R. Ferguson.					
	Mr. Scott Murray - -	Three.				

- - - - - with the Names of the Members selected to serve on the several Committees on such Bills, &c.—*continued.*

NAME OF BILL.	NAMES of MEMBERS selected.	Number of Days on which each Member attended.	Number of Days during which Committee sat.	Day appointed for Committee on Bill.	Postponements.	REMARKS.
hitehaven and Maryport Railway.	Hon. Rice Trevor - -	Chairman -	One - -	May - 7	- - -	- - Attended by five Members on the Speaker's List.
	Colonel Wood.					
	Mr. French.					
	Mr. Evelyn Denison.					
	Mr. Ewart.					
	Colonel Thomas Wood -	One.				
	Mr. Master - - -	One.				
stminster and Lambeth Suspension Bridge.	Mr. Brotherton - -	One - -	- - -	June - 7	- - -	- - Attended by two Members on the Speaker's List.
	Mr. Bagge.					
	Sir S. Spry.					
	Mr. Wilshere - -	One.				
	Mr. French - - -	Chairman -	One.			
	Hon. S. Carew.					
rk and Scarborough Railway.	Colonel C. Wyndham -	One - -	- - -	March - 19	- - -	- - Attended by ten Members on the Speaker's List.
	Mr. Marton - -	One.				
	Viscount Marsham -	Chairman -	One.			
	Mr. E. Ellice, jun.					
	Mr. E. P. Shirley.					
rmouth and Norwich Railway.	Sir R. H. Inglis - -	Chairman -	Four - -	March - 25	- - -	- - Attended by seven Members on the Speaker's List.
	Mr. W. J. Hamilton -	Four.				
	Mr. E. P. Shirley -	Four.				
	Mr. G. C. Legh.					
	Viscount Clive.					

SUMMARY:

he number of Petitions for Bills presented in conformity with the Sessional Order is - - - - - - - - - - -	148
he number of Petitions for leave to present a Petition is - - -	14
Of which seven were allowed to present a Petition for Bill.	
he number of Petitions for Bills referred to the Standing Orders Committee is - - - - - - - - - - - -	35
he number of Cases in which the Parties were allowed to proceed with their Bill is - - - - - - - - - - - -	24
he number of Bills read 1° is - - - - - - - -	148
he number of Bills read 2° is - - - - - - - -	137
he number of Bills reported is - - - - - - - -	128

The number of Bills brought from the Lords is - - - - -	44
The number of opposed Bills is - - - - - - - - -	82

In three cases the Committees were unable to proceed to business on the day appointed for their first meeting, in consequence of a quorum of Selected Members not being present.

In one case only was a Committee, after having been formed, under the necessity of applying to The House for leave to proceed with less than the quorum of Selected Members.

In one case a Committee was unable to proceed on the day appointed for their first meeting, in consequence of there not being five Members present.

August 1844.

Henry H. Creed,
Committee Clerks' Office.

SITTINGS OF THE HOUSE.
DIVISIONS OF THE HOUSE.
PUBLIC BILLS.
PRIVATE BILLS.

RETURN of the Number of DAYS on which the House of Commons SAT in the Session of 1844.

RETURN of the Number of DIVISIONS in the Session of 1844.

(*Mr. Brotherton.*)

RETURN of the TITLES of all PUBLIC BILLS introduced in the course of the present Session; also, for the Years 1838, 1839, 1840, 1841, 1842 and 1843.

(*Mr. Hawes.*)

RETURN of the PRIVATE BILLS which, in the present Session, have been treated as Opposed Bills.

(*Mr. Estcourt.*)

Ordered, by The House of Commons, *to be Printed,*
9 *August* 1844.

[*Price* 7*d.*]

628.

Under 8 *oz.*

HOUSE OF COMMONS.

Veneris, 7° die Februarii, 1845.

Resolved,

THAT this House will not receive any Petition for any Private Bill, other than a Railway Bill, after *Friday* the 28th day of this instant *February*.

Resolved,

THAT no Private Bill, other than a Railway Bill, be read the first time after *Friday* the 4th day of *April* next.

Resolved,

THAT this House will not receive the Report of any Private Bill, other than a Railway Bill, after *Friday* the 30th day of *May* next.

Resolved,

THAT this House will not receive any Petition for any Railway Bill later than the Twenty-first day after the day on which the Report for the Railway Department of the Board of Trade, with reference to such Railway, has been laid on the Table of the House.

Resolved,

THAT no Railway Bill shall be read the first time later than the Twenty-eighth day after the day on which the Report from the Railway Department of the Board of Trade, with reference to such Railway, has been laid on the Table of the House.

Resolved,

THAT this House will not receive the Report of any Railway Bill later than the Eighty-fourth day after the day on which the Report from the Railway Department of the Board of Trade, with reference to such Railway, has been laid on the Table of the House.

Ordered,

THAT on every Petition presented to this House, relating to any Private Bill before the House, the Name or short Title by which such Bill is entered in the Votes, be written at the beginning thereof.

Ordered,

THAT the said Resolutions and Order be Printed.

J. H. LEY,
Cl. Dom. Com.

Ordered, by The House of Commons, *to be Printed,*
7 *February* 1845.

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For Appendix, consisting of Petitions - - - - - - - - -		1	– –
The ANNUAL SUBSCRIPTION for all other Papers - - - - - - - -		12	12 –

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[Note.—*The Votes, or Lists of Divisions, or Supplements, or Appendix, being the Petitions, may be purchased separately upon special application, as also any Report or Paper.*]

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Veneris, 7° die Februarii, 1845.

RESOLUTIONS

OF THE

HOUSE OF COMMONS

RELATIVE TO

PRIVATE BILLS.

Ordered, by The House of Commons, *to be Printed,*
7 February 1845.

11.

LISTS FOR COMMITTEES

ON

PRIVATE BILLS.

LIST OF COUNTIES.

ENGLAND:		ENGLAND—*cont*[d].		ENGLAND—*cont*[d].		WALES:	
Bedford - -	p. 2	Huntingdon - -	4	Salop - - -	7	Wales, North -	10
Berks - - -	2	Kent - - -	5	Somerset - -	7	—— South -	10
Bucks - - -	2	Lancaster, North -	5	Stafford, North -	7		
Cambridge - -	2	—— South -	5	—— South -	7	SCOTLAND:	
Chester - -	2	Leicester - -	5	Suffolk - -	7	No. 1 - - -	11
Cornwall - -	2	Lincoln - -	5	Surrey - - -	8	No. 2 - - -	11
Cumberland -	3	Middlesex - -	5	Sussex - - -	8		
Derby - -	3	Monmouth - -	6	Warwick - -	8	IRELAND:	
Devon - -	3	Norfolk - -	6	Westmorland -	8	Connaught - -	12
Dorset - -	3	Northampton -	6	Wilts, North -	8	Leinster - -	12
Durham - -	3	Northumberland -	6	—— South -	8	Munster - -	12
Essex - - -	3	Nottingham -	6	Worcester - -	9	Ulster - - -	12
Gloucester - -	4	Oxford - -	6	York, East Riding -	9		
Hants, and the Isle of Wight - -	4	Rutland - -	7	—— North Riding	9		
Hereford - -	4			—— West Riding	9		
Herts - - -	4						

Ordered, by The House of Commons, *to be Printed,*
3 *March* 1845.

BEDFORD.

THE MEMBERS FOR

The County of
- Bedford
- Bucks
- Herts
- Northampton, North
- Cambridge
- Huntingdon

And for
- Bedford
- Huntingdon, Town

BERKS.

THE MEMBERS FOR

The County of
- Berks
- Hants, North
- Oxford
- Surrey, West
- Wilts, North

And for
- Oxford, City
- Reading
- Windsor
- Wallingford
- Abingdon

BUCKS.

THE MEMBERS FOR

The County of
- Bucks
- Bedford
- Herts
- Oxford

And for
- Buckingham
- Great Marlow
- Chipping Wycombe
- Aylesbury
- Windsor

CAMBRIDGE.

THE MEMBERS FOR

The County of
- Cambridge
- Essex, North
- Lincoln (Kesteven and Holland)
- Norfolk, West
- Suffolk, West
- Huntingdon

And for
- Cambridge University
- Cambridge Town
- Bury St. Edmund's

CHESTER.

THE MEMBERS FOR

The County of
- Chester, North
- Chester, South
- Derby, North
- Lancaster, South
- Stafford, North

And for
- Stockport
- Macclesfield
- Ashton-under-Lyne
- Warrington
- Chester, City
- Liverpool
- Manchester
- Salford

CORNWALL.

THE MEMBERS FOR

The County of
- Cornwall, East
- Cornwall, West
- Devon, North
- Devon, South

And for
- Bodmin
- Liskeard
- Launceston
- Devonport
- Plymouth
- Truro
- Penryn and Falmouth
- Helstone
- St. Ives

CUMBERLAND.

THE MEMBERS FOR

The County of
- Cumberland, East
- Cumberland, West
- Westmorland
- Durham, South
- Northumberland, South
- Lancaster, North
- Dumfries

And for
- Carlisle
- Whitehaven
- Cockermouth

DERBY.

THE MEMBERS FOR

The County of
- Derby, North
- Derby, South
- Nottingham, North
- York, West Riding
- Chester, North
- Leicester, North
- Stafford, North

And for
- Derby, Town
- Sheffield
- Stoke-upon-Trent

DEVON.

THE MEMBERS FOR

The County of
- Devon, North
- Devon, South
- Somerset, West
- Cornwall, East

And for
- Barnstaple
- Tiverton
- Exeter
- Honiton
- Ashburton
- Totnes
- Dartmouth
- Plymouth
- Devonport
- Tavistock

DORSET.

THE MEMBERS FOR

The County of
- Dorset
- Devon, South
- Hants, South
- Somerset, West
- Wilts, South

And for
- Bridport
- Dorchester
- Weymouth, and Melcombe Regis
- Wareham
- Lyme Regis
- Poole
- Shaftesbury

DURHAM.

THE MEMBERS FOR

The County of
- Durham, North
- Durham, South
- Northumberland, South
- York, North Riding
- Cumberland, East

And for
- Durham, City
- Sunderland
- South Shields
- Gateshead
- Newcastle
- Tynemouth
- Whitby

ESSEX.

THE MEMBERS FOR

The County of
- Essex, North
- Essex, South
- Suffolk, East
- Suffolk, West
- Cambridge
- Herts

And for
- Colchester
- Harwich
- Maldon

GLOUCESTER.

THE MEMBERS FOR

The County of
- Gloucester, East
- Gloucester, West
- Wilts, North
- Oxford
- Worcester, West
- Monmouth
- Somerset, East

And for
- Gloucester, City
- Cirencester
- Stroud
- Cheltenham
- Tewkesbury
- Bristol

HANTS, AND THE ISLE OF WIGHT.

THE MEMBERS FOR

The County of
- Hants, North
- Hants, South
- Wilts, South
- Dorset
- The Isle of Wight

And for
- Winchester
- Petersfield
- Andover
- Southampton
- Lymington
- Christchurch
- Newport
- Portsmouth

HEREFORD.

THE MEMBERS FOR

The County of
- Hereford
- Gloucester, East
- Salop, South
- Worcester, West
- Brecon
- Monmouth
- Radnor

And for
- Hereford, City
- Leominster
- Ludlow
- Radnor

HERTS.

THE MEMBERS FOR

The County of
- Herts
- Bedford
- Bucks
- Cambridge
- Essex, South
- Middlesex

And for
- Hertford, Town
- St. Alban's

HUNTINGDON.

THE MEMBERS FOR

The County of
- Huntingdon
- Cambridge
- Bedford
- Northampton, North
- Lincoln, South

And for
- Huntingdon, Town
- Peterborough
- Cambridge, Town

KENT.

THE MEMBERS FOR

The County of
- Kent, East
- Kent, West
- Sussex, East
- Middlesex
- Surrey, East

And for
- Canterbury
- Sandwich
- Dover
- Hythe
- Maidstone
- Rochester
- Chatham
- Greenwich

LANCASTER, NORTH.

THE MEMBERS FOR

The County of
- Lancaster, North
- Lancaster, South
- York, West Riding
- Westmorland
- Cumberland, West

And for
- Lancaster, Town
- Preston
- Blackburn
- Clitheroe
- Wigan
- Kendal

LANCASTER, SOUTH.

THE MEMBERS FOR

The County of
- Lancaster, South
- Lancaster, North
- Chester, North
- Chester, South
- York, West Riding

And for
- Manchester
- Salford
- Ashton-under-Lyne
- Oldham
- Bolton-le-Moors
- Bury
- Rochdale
- Wigan
- Liverpool
- Warrington

LEICESTER.

THE MEMBERS FOR

The County of
- Leicester, North
- Leicester, South
- Rutland
- Lincoln (Kesteven and Holland)
- Nottingham, South
- Derby, South
- Northampton, North
- Northampton, South
- Warwick, North

And for
- Leicester, Town
- Coventry

LINCOLN.

THE MEMBERS FOR

The County of
- Lincoln (Lindsey)
- Lincoln (Kesteven and Holland)
- York, East Riding
- York, West Riding
- Nottingham, North
- Nottingham, South
- Cambridge
- Rutland

And for
- Lincoln, City
- Great Grimsby
- Boston
- Grantham
- Stamford

MIDDLESEX.

THE MEMBERS FOR

The County of
- Middlesex
- Essex, South
- Surrey, East
- Surrey, West
- Hertford

And for
- London
- Westminster
- Finsbury
- Mary-le-bone
- The Tower Hamlets
- Southwark
- Lambeth

MONMOUTH.

THE MEMBERS FOR

The County of
Monmouth
Brecon
Glamorgan
Gloucester, West
Gloucester, East
Hereford

And for
Monmouth, Town
Merthyr Tydvil
Cardiff
Brecon, Town
Bristol

NORFOLK.

THE MEMBERS FOR

The County of
Norfolk, West
Norfolk, East
Suffolk, East
Suffolk, West
Cambridge
Lincoln (Kesteven and Holland)

And for
Norwich
Great Yarmouth
King's Lynn
Thetford

NORTHAMPTON.

THE MEMBERS FOR

The County of
Northampton, North
Northampton, South
Leicester, South
Warwick, South
Oxford
Bucks
Bedford
Lincoln (Kesteven and Holland)
Rutland
Huntingdon

And for
Peterborough
Northampton, Town

NORTHUMBERLAND.

THE MEMBERS FOR

The County of
Northumberland, North
Northumberland, South
Berwick
Roxburgh
Cumberland, East
Durham

And for
Morpeth
Berwick-upon-Tweed
Newcastle
Tynemouth
Gateshead
South Shields
Sunderland

NOTTINGHAM.

THE MEMBERS FOR

The County of
Nottingham, North
Nottingham, South
Lincoln (Lindsey)
York, West Riding
Derby, North
Derby, South
Lincoln (Kesteven and Holland)
Leicester, North

And for
East Retford
Nottingham, Town
Newark

OXFORD.

THE MEMBERS FOR

The County of
Oxford
Berks
Bucks
Gloucester, East
Northampton, South
Warwick, South

And for
Oxford, University
Oxford, City
Woodstock
Banbury
Wallingford

RUTLAND.

THE MEMBERS FOR

The County of
- Rutland
- Leicester, North
- Lincoln (Kesteven and Holland)
- Northampton, North
- Leicester, South

And for
- Stamford
- Leicester
- Peterborough
- Grantham

SALOP.

THE MEMBERS FOR

The County of
- Salop, North
- Salop, South
- Stafford, North
- Stafford, South
- Chester, South
- Worcester, West
- Montgomery
- Hereford

And for
- Shrewsbury
- Bridgnorth
- Wenlock
- Ludlow

SOMERSET.

THE MEMBERS FOR

The County of
- Somerset, East
- Somerset, West
- Dorset
- Wilts, North
- Wilts, South
- Gloucester, West
- Devon, North

And for
- Bristol
- Bath
- Wells
- Frome
- Taunton
- Bridgwater

STAFFORD, NORTH.

THE MEMBERS FOR

The County of
- Stafford, North
- Stafford, South
- Derby, North
- Derby, South
- Chester, South
- Salop, North

And for
- Stafford, Town
- Stoke-upon-Trent
- Newcastle-under-Lyme
- Macclesfield
- Derby, Town

STAFFORD, SOUTH.

THE MEMBERS FOR

The County of
- Stafford, South
- Stafford, North
- Warwick, North
- Salop, North
- Salop, South
- Worcester, East

And for
- Tamworth
- Wolverhampton
- Walsall
- Lichfield
- Stafford, Town
- Dudley
- Birmingham

SUFFOLK.

THE MEMBERS FOR

The County of
- Suffolk, East
- Suffolk, West
- Norfolk, East
- Norfolk, West
- Essex, North
- Cambridge

And for
- Ipswich
- Eye
- Bury St. Edmund's
- Sudbury

SURREY.

THE MEMBERS FOR

The County of
- Surrey, East
- Surrey, West
- Sussex, East
- Sussex, West
- Kent, West
- Middlesex
- Berks
- Hants, North

And for
- Reigate
- Southwark
- Lambeth
- Guildford
- Midhurst

SUSSEX.

THE MEMBERS FOR

The County of
- Sussex, East
- Sussex, West
- Kent, West
- Surrey, West
- Hants, North
- Hants, South

And for
- Lewes
- Brighthelmstone
- Hastings
- Rye
- New Shoreham
- Horsham
- Midhurst
- Arundel
- Chichester

WARWICK.

THE MEMBERS FOR

The County of
- Warwick, North
- Warwick, South
- Leicester, South
- Stafford, South
- Worcester, East
- Oxford
- Northampton, North
- Gloucester, East

And for
- Birmingham
- Coventry
- Warwick, Town

WESTMORLAND.

THE MEMBERS FOR

The County of
- Westmorland
- Cumberland, East
- Durham, South
- Lancaster, North
- York, North Riding
- York, West Riding

And for
- Kendal
- Lancaster
- Cockermouth

WILTS, NORTH.

THE MEMBERS FOR

The County of
- Wilts, North
- Wilts, South
- Berks
- Gloucester, East
- Somerset, East

And for
- Chippenham
- Devizes
- Calne
- Marlborough
- Cricklade
- Malmesbury

WILTS, SOUTH.

THE MEMBERS FOR

The County of
- Wilts, South
- Wilts, North
- Dorset
- Somerset, East
- Berks
- Hants, North
- Hants, South

And for
- Westbury
- Wilton
- Salisbury

WORCESTER.

THE MEMBERS FOR

The County of
- Worcester, East
- Worcester, West
- Gloucester, East
- Warwick, South
- Stafford, South
- Salop, South
- Hereford

And for
- Droitwich
- Evesham
- Dudley
- Worcester, City
- Kidderminster
- Bewdley

YORK, EAST RIDING.

THE MEMBERS FOR

The County of
- York, East Riding
- York, North Riding
- York, West Riding
- Lincoln (Lindsey)

And for
- Hull
- Beverley
- York, City
- Malton
- Scarborough
- Grimsby

YORK, NORTH RIDING.

THE MEMBERS FOR

The County of
- York, North Riding
- York, East Riding
- York, West Riding
- Durham, South
- Westmorland
- Lancaster, North

And for
- Scarborough
- Malton
- York, City
- Whitby
- Thirsk
- Northallerton
- Richmond

YORK, WEST RIDING.

THE MEMBERS FOR

The County of
- York, West Riding
- York, North Riding
- York, East Riding

And for
- Sheffield
- Huddersfield
- Halifax
- Wakefield
- Pontefract
- Leeds
- Bradford
- Knaresborough
- Ripon
- York, City

WALES.

WALES, NORTH.

THE MEMBERS FOR

The County of
- Anglesea
- Carnarvon
- Denbigh
- Flint
- Merioneth
- Montgomery
- Cardigan
- Chester, South
- Radnor
- Salop, North
- Salop, South

And for
- Beaumaris
- Carnarvon, Town
- Denbigh, Town
- Flint, Town
- Montgomery, Town
- Chester, City

WALES, SOUTH.

THE MEMBERS FOR

The County of
- Cardigan
- Glamorgan
- Brecknock
- Carmarthen
- Pembroke
- Radnor
- Merioneth
- Montgomery
- Monmouth
- Hereford
- Salop, South

And for
- Cardigan, Town
- Cardiff
- Swansea
- Merthyr Tydvil
- Brecon, Town
- Carmarthen, Town
- Haverfordwest
- Pembroke, Town
- New Radnor

SCOTLAND.

No. 1.

THE MEMBERS FOR

The COUNTIES of	BURGHS and TOWNS of
Orkney	Wick, &c.
Sutherland	Elgin, &c.
Banff	Aberdeen
Elgin and Nairn	Montrose, &c.
Aberdeen	St. Andrew's, &c.
Kincardine	Kirkaldy, &c.
Forfar	Edinburgh
Kinross	Haddington, &c.
Fife	Dundee
Edinburgh	Leith
Selkirk	Inverness, &c.
Haddington	
Berwick	
Caithness	
Roxburgh	

No. 2.

THE MEMBERS FOR

The COUNTIES of	BURGHS and TOWNS of
Ross	Ayr, &c.
Inverness	Perth
Argyle	Stirling, &c.
Perth	Paisley
Stirling	Greenock
Lanark	Falkirk, &c.
Bute	Glasgow
Ayr	Dumfries, &c.
Renfrew	Wigton, &c.
Dumfries	Kilmarnock, &c.
Kirkcudbright	
Wigton	
Dumbarton	
Peebles	
Linlithgow	

IRELAND.

CONNAUGHT.

THE MEMBERS FOR

The County of
- Leitrim
- Sligo
- Mayo
- Roscommon
- Galway

And for
- Sligo, Town
- Galway, Town

LEINSTER.

THE MEMBERS FOR

The County of
- Louth
- Longford
- Meath
- Dublin
- King's County
- Kildare
- Queen's County
- Wicklow
- Carlow
- Kilkenny
- Wexford
- Westmeath

And for
- Drogheda
- Dundalk
- Dublin, City
- Dublin, University
- Portarlington
- Carlow, Town
- Kilkenny, Town
- New Ross
- Wexford, Town
- Athlone

MUNSTER.

THE MEMBERS FOR

The County of
- Clare
- Tipperary
- Limerick
- Kerry
- Cork
- Waterford

And for
- Ennis
- Cashel
- Clonmel
- Limerick, City
- Cork, City
- Tralee
- Bandon Bridge
- Kinsale
- Mallow
- Youghal
- Dungarvon
- Waterford, City

ULSTER.

THE MEMBERS FOR

The County of
- Donegal
- Londonderry
- Antrim
- Tyrone
- Down
- Fermanagh
- Armagh
- Monaghan
- Cavan

And for
- Londonderry
- Coleraine
- Belfast
- Carrickfergus
- Lisburn
- Dungannon
- Downpatrick
- Newry
- Enniskillen
- Armagh, City
- Drogheda

PRIVATE BILLS.

HOUSE OF COMMONS, *Martis*, 11° *die Martii*, 1845.

Resolved,—

THAT no Private Bill, other than a Railway Bill, be read the Second Time after Friday the 18th day of April next.

Ordered,—

THAT, so soon as the Agent for any Private Bill shall have received from the Committee of Selection Notice of the Day and Hour fixed for the Committee on such Bill, he shall forthwith give notice thereof to the Clerks in the Private Bill Office.

PRIVATE BILLS.

RESOLUTION AND ORDER

RELATING TO

PRIVATE BILLS.

(*Mr. Estcourt.*)

Ordered, by The House of Commons, *to be Printed,*
11 *March* 1845.

PRINTED PAPERS.

RETURN to an Order of the Honourable The House of Commons, dated 19 May 1845;—*for*,

A COPY "of the Short-hand Writer's Notes of the Arguments and Judgment in the Case of *Howard* and *Gosset*."

Ordered, by The House of Commons, *to be Printed*, 20 *May* 1845.

HOWARD *versus* GOSSET.

COPY from Mr. *Gurney*'s Short-hand Notes of the Argument in the Court of Queen's Bench, *Friday*, 15th *November* 1844.

Mr. *Kelly* read the special Case.

Argument.
15 November 1844.
Mr. *Kelly*.

Mr. *Kelly*.—My Lords, I have to submit to your Lordships, upon this record, that the plaintiff is entitled to the judgment of the Court. Several points arise, upon which the decision of your Lordships must depend. My Lords, the declaration states that the defendant assaulted and imprisoned the plaintiff, a subject of the realm. The defendant by his pleas admits that he did assault and did imprison the plaintiff, and he professes to justify the assault and imprisonment by a warrant, which is set forth in each of the four pleas upon the record. I have, then, first to submit to your Lordships that the defendant was bound to set forth that warrant; that he has therefore necessarily set it forth, and has necessarily and properly admitted that it was by virtue of that warrant, and by virtue of that warrant only, that he imprisoned the plaintiff. He rests his justification for the imprisonment of the plaintiff upon that warrant so set forth. And I have next to submit to your Lordships that that warrant is bad, and void in law; and if it be bad, and void in law, the whole justification of the defendant fails.

I shall submit, my Lord, that it is bad in law because it sets forth no offence alleged to have been committed by the plaintiff; it does not allege that the plaintiff was charged with any offence, or suspected of any offence; it alleges, in fact, no cause at all for which the plaintiff was to be imprisoned. It is bad likewise, as not specifying the object of the imprisonment; no place where the party was to be imprisoned, or where he was to be taken to is stated, nor is any time stated for which he was to be imprisoned; nor is it stated how or in what way he is to be delivered by law, or, in general terms, that he is to be imprisoned until delivered by law. It is, in truth, in its terms a mere general absolute warrant to seize and imprison the plaintiff by his body, without any cause assigned or suggested, without any place of imprisonment, without any term of imprisonment, without anything to guide the officer as to what he was to do with him beyond imprisoning him with his body; where he was to take him, how long he was to keep him, or for what offence committed or charged he was to be imprisoned; and is consequently silent as to the only matter which would enable a court of law, upon Habeas Corpus, to determine whether the imprisonment was legal or not. And, my Lords, I shall further submit, that if this warrant be bad in law, the defendant must stand or fall by its validity; that he cannot, supposing the warrant to be bad and insufficient in itself, make out, by averment in the plea, any other cause or justification for the imprisonment; that he must stand or fall by the warrant, and the warrant alone, and that he cannot aid that warrant by any averment of extrinsic matters. My Lords, I shall lastly submit, that if he could do so,—that supposing the warrant to afford of itself no sufficient justification for the imprisonment

Argument.
15 November 1844.
Mr. *Kelly*.

which he admits to have inflicted upon the plaintiff, he is at liberty to refer to the other matters averred in the pleas, that there is no matter alleged in any of those pleas warranting the imprisonment of the plaintiff. In other words, that supposing as a justification for the defendant, the whole of the matters alleged in those several pleas to be produced and admitted as facts for your Lordships' judgment, the House of Commons possesses no power by law to arrest and imprison a subject upon a charge merely of contempt; that the power of the House of Commons is limited to a right to imprison the subject upon a breach of privilege or other contempt, found and adjudged against the party; that right will not be disputed; the right to arrest upon a warrant generally, alleging a contempt found against the party, will not be disputed; but I shall submit to your Lordships, should it become necessary to consider the effect of the averments in this plea, in aid of the warrant under which the defendant acted, that the House of Commons has no power to arrest upon a charge of contempt, and has no power to arrest in order to bring a party before it to be examined.

Now, my Lords, upon the first point, as I conceive, that your Lordships' judgment will ultimately depend upon, the validity of the warrant, it will be hardly necessary, but I feel it my duty, to refer to one or two authorities to establish the proposition, that the defendant having, in fact, arrested and imprisoned the plaintiff under and by virtue of the warrant, was bound to set forth that warrant in the pleading as he has done, and to show that it cannot be rejected, for that it is necessarily alleged as his justification in the pleading.

My Lord, I find the law upon this subject very clearly laid down in the notes to Greene *v.* Jones, in 1st Saunders, page 297. The case itself was a case where there was a plea of justification, an action of assault under a writ and warrant; and in the first note, note 1, it is laid down: "In trespass, when the defendant justifies under a writ, warrant, precept, or any other authority whatever, he must set it forth particularly in his plea, for it is not sufficient to allege generally that he committed the act complained of by virtue of a certain writ or other warrant directed to him, but he must set it forth specially." And for this, Coke Littleton, 283 a. is cited, and Mathews *v.* Cary, 3d Modern 137 and 138, and some other cases, are cited, to which I do not think it necessary to advert, together with Comyn's Digest, title "Pleader," E. 17. And I should state to your Lordships that I have looked into the more modern treatise, Chitty on Pleading, and particularly Stephens on Pleading; and your Lordship will find the same doctrine laid down in many cases, cited to support it, in Mr. Serjeant Stephen's book, in the 5th edition, page 365.

My Lord, the defendant, in pursuance of this rule of pleading, has set forth the warrant, and he has, in the terms which I have just read to your Lordships, very distinctly and positively averred, that it was by virtue of that warrant that he arrested the plaintiff and committed the assault and imprisonment charged in the declaration. And, my Lords, I conceive that it is a proposition almost self-evident, that the defendant, who is an officer,—not one charged with having caused the imprisonment by an order given to another, but having himself actually in his own person assaulted and imprisoned the plaintiff,—I apprehend it is perfectly clear, if he justifies under the warrant, he must stand or fall by the validity of that warrant, and cannot call in aid other facts, though they may be averred in the plea. Your Lordships will observe that it is under and by virtue of the warrant alone that it is averred that the assault was committed.

But, my Lords, it is further necessary that the right to assault and imprison should appear upon that warrant, and should depend upon the face of that warrant; because a subject of the realm about to be seized, and to be taken into custody and imprisoned, has a right to ask by virtue of what warrant he is imprisoned: the party who assaults him produces the warrant—he sees there the cause, if there be a cause stated in that warrant; he sees there all that the warrant contains; he has a right to assume that it is that, and no more than that, and no less than that which justifies, if anything justifies, the imprisonment about to be committed. This warrant might have been a warrant from the Speaker of the House of Commons to arrest upon a charge of murder. Now, it is perfectly clear, that the House of Commons have no authority to issue any such warrant to arrest any of the Queen's subjects upon the charge of murder, or any other felony. If this warrant, therefore, had contained such a charge, the plaintiff would have been justified in resisting the officer, the defendant, who sought to imprison him, and in the course of that resistance, death might have ensued, he might have killed the officer; and the

question

Argument.

15 November 1844.

Mr. *Kelly.*

question then, whether he had been guilty of murder or not, would have depended, not upon what really might have in fact taken place in the House of Commons, or upon any resolution to which the House of Commons might have come, or upon any authority or directions which might have been given by the House of Commons to the officer; but the question of whether the party was guilty of murder or not, would have depended upon whether that was a warrant legal and valid upon the face of it, by the matter on the face of it authorizing the arrest which he resisted, and in the resistance to which the killing of the party ensued. And in such a case it surely would not make the party guilty of murder, were the officer to turn round and say, though the warrant was to apprehend this subject of the realm for murder, and that no doubt was bad upon the face of it, there being no authority in the House of Commons to order or authorize such a warrant, still, in fact, the House had authorized him to be taken into custody for an offence found and adjudged against him. That would be no good plea; that could not be alleged. Then, I apprehend, your Lordships will find upon every principle, and looking at it in regard to all its consequences, where, as upon this record appears to be the case, one man, a subject of this country, arrests and imprisons another, and the party arrested brings his action for false imprisonment, and the defendant admits that imprisonment, but alleges that he did it by virtue of that warrant, it is the matter stated in that warrant, and that warrant only, that must determine whether or not the party is justified.

Now, my Lords, the question, therefore, will be,—looking to the facts alleged upon this record, that the plaintiff alleges he was assaulted and imprisoned by the defendant, and that the defendant admits the assault and imprisonment, and professes to justify it by virtue of the warrant,—the question will be, whether that warrant contains upon the face of it a justification for the defendant to have arrested and imprisoned the plaintiff; whether it contains matter upon the face of it which would have rendered it unlawful in the plaintiff to have resisted him in the execution of that warrant. Would it have been murder in the plaintiff, if in the resistance of the warrant he had killed the defendant, or any other individual?

My Lords, the warrant is set forth in the same terms in all the four of these pleas, and I will now state to your Lordships what that warrant contains, and all that it contains. It recites that the Speaker issued his warrant, and delivered it to the Serjeant-at-Arms, that warrant reciting that the House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant attending the said House, and did require and authorize the Serjeant-at-Arms attending the said House to take into custody the body off the plaintiff. That is, it is a warrant merely reciting that the House of Commons had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms; and then comes the mandatory and authorizing part of the warrant, the Speaker, or the House of Commons then directs and authorizes the defendant to take into custody the body of the plaintiff.

Now, my Lords, I will venture to say, in the outset, that if this be a legal and valid warrant, it must be because the House of Commons, by the law of this country, of which your Lordships will take judicial notice, possesses the power to imprison any of the subjects of the realm at their free will and pleasure, without any offence being specified, without any charge of any offence being pointed out, but absolutely at their will or at their caprice, and for no definite time, for no cause whatsoever, to seize and to imprison any of the subjects of the realm. And my Lord, I need hardly say that no power, no tribunal, no authority in this state has ever been held, or ever contended to possess such a right. The sovereign does not possess it; the sovereign can only arrest the subject by some writ or warrant in form known to and recognized by law, and setting forth, in terms more or less formal and clear, the cause, whether civil or criminal, of that arrest. The Secretary of State and other Ministers of the Crown are in like manner limited as to their authority to cause the arrest and imprisonment of subjects; courts of justice, even of this high, this highest Court of common law in the realm, the powers are likewise circumscribed. Your Lordships have no power, have no right to order the imprisonment of any subject of this country, without some cause specified upon the writ or warrant by virtue of which the imprisonment takes place.

In civil cases, by process issuing out of this Court, a party may be arrested on mesne process; but it is by a writ which specifies the cause, and specifies in one sense the term of imprisonment; it specifies the cause to be that the party is indebted in a sum of money; it specifies the time, because it is to answer within a certain

Argument.
15 November 1844.
Mr. *Kelly.*

certain time stated the claim of the plaintiff. So in execution the cause is specified; the debt, the amount, the place to which the party is to be carried, the mode in which he is to be disposed of: the warrant contains an authority to the officer of the Court who effects the arrest, so as to guide him in the course which he is to pursue, and to enable the party who is arrested to see that he is lawfully arrested by virtue of that warrant.

My Lord, it is the same in criminal cases; not merely the Queen, or the Secretaries of State, and other Ministers of the Crown, but of course this Court, the Judges of this Court, and even magistrates, may issue their warrant to apprehend a party for an offence in criminal cases, and arrest upon mesne process in other cases. But there still the analogy holds and pervades the practice of our law, that the warrant must state the offence, whether it proceed from the Queen or any of her Ministers, or from this Court, or even from a magistrate, the warrant must state the cause of the arrest.

And so, my Lord, after conviction in like manner, this Court may order the imprisonment of the subject, but it is by warrant of commitment on conviction, and the cause is stated in the warrant. I am not contending for the form in which it is to be stated, either in one case or the other, civil or criminal, whether from the superior or inferior Court; but in all cases, from the highest Court of justice to the lowest officer, having power to order the imprisonment of any one in this kingdom, whether it be mesne process or arrest in civil cases, or warrant of commitment for cause, or warrant of commitment in execution after judgment, in criminal cases,—in all those cases the cause is, with more or less formality and certainty, stated in the warrant.

And again, in that middle case, which will become the subject of discussion here, neither exactly civil nor criminal in its character, in the case of attachment, no doubt all Courts, and as this Court has held with respect to both Houses of Parliament, no doubt those high deliberative assemblies in this country must have the right to issue process directing imprisonment for contempt. That is the mean case between civil and criminal cases; but even there, whether it be a superior or inferior Court of Justice which issues the process for contempt, under which the subject is to be imprisoned, the cause is stated upon the warrant; it either states the matter of contempt, or it states the contempt, and that the party about to be imprisoned is apprised by the warrant of the cause for which he is to be imprisoned. As regards analogy, therefore, looking to the whole course of our law and practice, there is no instance, from whatever authority it emanates, in which a warrant is sent for the imprisonment of any subject of this realm, without the cause appearing upon the face of it.

Now, my Lord, with regard to the present warrant, your Lordship will observe that it is destitute of all the qualities which such a warrant ought to possess. It is recited that the House of Commons had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, and that the Serjeant-at-Arms was accordingly ordered to take him into custody; but for what? Has he been guilty of contempt, over which the House has jurisdiction, or is any offence stated over which it may be doubtful whether it has jurisdiction or not? It is not stated in the warrant that he was charged with an offence; it is not stated that he is suspected of any offence. How is the party, who is about to be arrested under a warrant of this nature, who sees the officer of the House of Commons taking him by the collar, and about to imprison him, who asks for his warrant, and who hears this warrant read to him, to know whether he is authorized in resisting the warrant or not? Undoubtedly, my Lord, if the House of Commons possesses an absolute, unlimited, uncontrollable, and as it must be irresponsible power to arrest any and every subject of the realm, with or without cause, inquiry is vain; the man about to be arrested by such warrant must submit to the law. He must say this is a body having power over every subject of the realm, and whether they have a right to arrest me or not, I must yield. But unless they have that right to arrest with or without cause, with or without purpose and object, and to carry a party to one place or another in the kingdom, to arrest at their mere will and pleasure, a mere caprice,—unless they possess that power generally and universally, and uncontrollably, and unconditionally, this warrant cannot be maintained.

If the warrant had recited that any charge of contempt had been made against the plaintiff, it would then have raised the question whether the House of Commons has a power never assumed or claimed by any other Court in this realm, of

arresting

Argument.

15 November 1844.

Mr. *Kelly*.

arresting upon mesne process upon a charge of contempt. It would have raised the question, not whether they have a right which is admitted, to commit him upon a contempt found and adjudged, but to arrest a man to answer a charge of contempt. But there is nothing even of that sort stated. This arrest might have been for the purpose of calling upon the plaintiff to answer for a charge of felony; it might have been for the purpose of fining him; it might have been for any other purpose perfectly illegal which the House of Commons has no power by law to carry into effect. Nothing is said; it is a mere unconditional simple mandate to the officer to arrest a subject by its warrant.

Again, my Lord, when I refer to the authorities,—and they all depend, I may thus early inform your Lordships, upon the fair and true construction of Magna Charta,—when I refer to the authorities bearing upon the validity of the various warrants under which the subject may be arrested and imprisoned, your Lordships will find not only that the cause must be stated,—whether the offence with more or less particularity must not be specified may be doubted,—but the cause must be stated, and likewise there must be something to indicate to the officer arresting, and to inform the party arrested what is to be done with him. It must not be only a warrant to arrest him by his body; it must be to take him to Newgate till he shall be delivered in due form of law; to bring him to the bar of the Court to take him to the Queen's Bench for one month, or till he shall pay a certain fine, or enter into certain recognizances, or pay a debt in civil cases. There must be something upon the face of the warrant to show the object of the imprisonment, so as to enable the party to learn how he is, if ever, to get out of prison. Whereas here your Lordship finds there is no intimation whatever. It is not to bring him to the bar of the House of Commons, there to answer to a charge against him; that would have been intelligible. Whether such a warrant would have been good or bad would have been another question; but with regard to the term of imprisonment, the conduct to be pursued by the officer to his prisoner, under the direction to do that, would have been apparent and sufficient. If the warrant had said that he was to be brought to the House of Commons to answer a charge, the plaintiff would have known that upon being brought to the bar, he might end his imprisonment, if he cleared himself, or otherwise he must incur the consequences; that there the warrant would end. But, my Lords, that is not the case here, and this is not an immaterial consideration, bearing in mind what we know of the proceedings of the House of Commons. The warrant specifies no term of imprisonment; it does not point out what is to be done with the party; it authorizes the officer to arrest and imprison until the House of Commons shall interfere, or make further order upon the subject. This party might have been in Cornwall or Northumberland when the warrant was delivered to the Serjeant-at-Arms, and between the time of the delivery of the warrant and the apprehending of the prisoner the plaintiff, the House of Commons, might have adjourned; they might have adjourned from July to January, and what then is to be done with the prisoner? Here is a man against whom no offence is charged. It is not merely that he is not found guilty of an offence, but he is not even charged with an offence. He is not told in what manner he may have offended the House of Commons, or have violated the law, or have seemed to have violated the law. Here is a man perfectly guiltless, having no means of understanding why he is imprisoned, arrested and kept in prison from July to January, without having the means of knowing why he is imprisoned, or how his imprisonment is to end, unless it is by a prorogation of Parliament.

Again, another test, and an infallible test by which to try the validity of this warrant, unless the Habeas Corpus be a dead letter, unless it be a mockery and delusion, any man being arrested under a Speaker's warrant, or any other warrant of that nature, may bring himself before this Court or any other Court, and if it appear that his imprisonment is illegal, he may be discharged; if it appear that the cause of his imprisonment is doubtful, or that circumstances exist which render such a course necessary, he may be admitted to bail. But the Habeas Corpus Act requires the Court to ascertain why the subject is deprived of his liberty. But how can the plaintiff avail himself of the Habeas Corpus here? A man might on the 1st of July, the House having adjourned for six months, have been arrested upon this warrant; he might have brought himself up by Habeas Corpus before this Court, or any judge of this Court, in order that it might be determined whether his confinement was legal or not. How is this Court to ascertain that? The Serjeant-at-Arms produces his warrant, as he did in the case of the Sheriffs

Argument.

15 November 1844.

Mr. *Kelly.*

of London, some years since, when a proceeding took place, not perhaps unconnected with the circumstances which have given rise to this action. The Serjeant-at-Arms appeared and produced his prisoners, and he produced his warrant, but that was a warrant committing parties for contempt; there your Lordships were enabled to judge whether the sheriffs were lawfully imprisoned. It appeared that they were imprisoned, we could not tell indeed what the contempt was, but they were committed by warrant of commitment from the Speaker, for a contempt over which the House of Commons possessed undoubted jurisdiction, and your Lordships held the imprisonment legal, and that you could not inquire further, and your Lordships accordingly remanded them to their custody. But if this plaintiff, having been arrested under this warrant, had come before this Court, and called upon the Court to discharge him on the ground that it was unlawful, how would this Court, upon a warrant authorizing the Serjeant-at-Arms to arrest Thomas Burton Howard by his body, without saying for what cause, or for what reason, be able to determine at all whether he is unjustly or unlawfully deprived of his liberty or not?

I take it, my Lord, therefore to be of the very essence of a warrant, or other writ or other instrument, under which any person in this kingdom is imprisoned, that it shall state the cause of the imprisonment, so as to enable the judge of a court of law to determine whether that cause is sufficient; because, my Lord, the alarming consequence necessarily follows, if that which has been here done, can be legally done, not only that that Act of Parliament, for which our ancestors so long and at last successfully struggled, the Habeas Corpus Act, becomes utterly nugatory and inoperative; but, my Lord, I do not see why imprisonment of any subject of the realm may not last for ever, if any officer, under any authority, can arrest people under a warrant specifying not only no offence, but no cause whatever. It is by the accident only of this officer being the officer of the House of Commons, whose existence for the purpose of the imprisonment of the subject is at an end, upon a prorogation or a dissolution; it is from that accident only, that this person might not be perpetually imprisoned under this warrant, without the possibility of obtaining relief by law. And if therefore, the Sovereign were to claim a power similar to that which must be claimed by the House of Commons, if this warrant be a valid warrant, inasmuch as the function and legal exercise of the Sovereign does not cease upon a prorogation or dissolution of Parliament under a warrant in this form issued by the Sovereign or any of her ministers, the consequence would be, that the party must be imprisoned for life, without, under the Habeas Corpus Act, or any other law or statute of this realm, the possibility of obtaining his liberty.

Now, my Lords, I will proceed to call your Lordships' attention to some authorities bearing upon the question of what warrants are sufficient to deprive a party of his liberty. My Lords, there is a very recent case, which I refer to at once, because it is possible that it might, for one purpose, be adverted to on the other side, the case of Candle *v.* Seymour, in 1st Queen's Bench Reports, page 889. That was a case of trespass and false imprisonment, and the plea was, "Not guilty by the Statute;" and it was there held that a justice's warrant, commanding the constable "to apprehend and bring before him the body of A. B., to answer all such matters and things as, on Her Majesty's behalf, shall be objected against him on oath by C. D., for an assault committed on C. D., is bad, as not showing any information on oath upon which the warrant issues." The warrant in that case was, "I do hereby, in Her Majesty's name, command you and every one of you, upon sight hereof, to apprehend and bring before me, or some other of Her Majesty's justices of the peace for the said county, the body of Robert Candle, of Brighton, in the said county, surgeon, of whom you shall have notice, to answer to all such matters and things as, on Her Majesty's behalf, shall be objected against him on oath, by Mary Ann Warner, of Brighton aforesaid, single woman, for an assault committed on her, the said Mary Ann Warner, at Brighton aforesaid, on the 24th day of August instant herein.—Given under my hand and seal, at Brighthelmstone, in the said county, the 26th day of August, A. D. 1839;" and that was signed by the magistrate, "William Seymour." Now, my Lord, that warrant was held illegal, and this was in an action, not against the officer, but against the magistrate; and the magistrate claimed to aid, by averment, what did not appear upon the warrant itself, that is, to show that he had jurisdiction to arrest; but, my Lord, it was held that the warrant was bad, and would not justify the defendant. Lord Denman observes, "The warrant is clearly insufficient; it does not state any information on oath, or that the fact was really committed. But

Argument.

15 November 1844.

Mr. *Kelly*.

But then it is said (and the argument raises a question of great importance) that although the warrant was irregular, the justice was still protected against an action of trespass, having, as a magistrate, jurisdiction over the offence. But his protection depends, as my brother Coleridge has observed, not on jurisdiction over the subject matter, but jurisdiction over the individual arrested. To give him that jurisdiction there should have been an information properly laid. Here, the defendant went with his clerk to the complainant's residence," and so forth; then your Lordship enters into the facts of the case; and it was held that the magistrate acted without jurisdiction.

Now, my Lord, here the warrant was clearly held bad; it was sought, on the part of the magistrate, who was made a defendant, to show that he had jurisdiction, but it appeared that he had no jurisdiction. Your Lordships did not determine the question whether, if he had jurisdiction, your Lordships would have been justified in authorizing the party to act under a bad warrant. But, my Lord, even supposing that it were so, the warrant in question is not like that in Candle *v.* Seymour, that is at least authorizing the officer to arrest the party, specifying this much, that it is to answer charges to be alleged against him, because it might be contended, if the warrant was to arrest the party to answer charges to be alleged against him, the party issuing the warrant has jurisdiction over the matter of those charges, and that there the jurisdiction and the right to arrest would sufficiently appear, though the offence itself might not be specified. But in this warrant, your Lordship observes, nothing of the kind appears; not only is no offence stated, so as to enable the Court to determine whether the House of Commons has jurisdiction over that offence, but it is not stated that the party is to be brought to the bar of the House of Commons to answer to any charge whatever. It is not that he is to appear at the bar of the House of Commons to answer to a charge to be made against him. That case points to the raising of a question upon which, possibly, your Lordships, important as it is, might not have any great doubt; but even if that question were raised, and determined in favour of the defendant, this case would fall far short of that authority in favour of the validity of the warrant, because this warrant is destitute of what that warrant contained, there being a direction to bring the party before the Court to answer to charges made against him. This is not to bring the party before the House of Commons to answer to any charge over which the House of Commons had jurisdiction, as this magistrate undoubtedly had jurisdiction; it is not a warrant to bring the party to the House of Commons to answer to any charge; it is a mere simple authority to seize and imprison the plaintiff.

But, my Lords, I will now at once call your Lordships' attention to that high, I may say the highest authority, which I conceive is perfectly decisive of this question; I mean an authority no less than that of Magna Charta; and I refer to Coke's 2d Institute, in his reading upon Magna Charta, and particularly upon these words: "*Nullus liber homo capiatur vel imprisonetur aut disseisietur de libero tenemento suo, vel libertatibus vel liberis consuetudinibus suis aut utlagetur, aut exuletur, aut aliquo modo destruatur nec super eum ibimus, nec super eum mittemus nisi per legale judicium parium suorum, vel per legem terræ.*" My Lords, it will be found when the law upon this point is attentively considered, that no right exists at the present day to arrest for one moment any subject of this realm which did not exist at the time of the passing of Magna Charta, unless that right has been created by a subsequent statute. Now I need not say that no statute has given a right to the House of Commons to arrest and imprison anybody in this kingdom upon a warrant in this form, to arrest and imprison anybody without cause assigned; and the question will be, therefore, whether, under the words *per legem terræ*, a party can be arrested under a warrant from the House of Commons in the form of that warrant which is now before your Lordships. I need not waste a word upon the earlier expressions here, "*Nisi per legale judicium parium suorum.*" That, of course, alludes to the case of the trial by his peers of a person arrested. Here there has been no trial; the party has not been put upon his defence, and therefore these words will not apply. Now with regard to the power to arrest *per legem terræ*, there are, as I have taken the liberty of submitting to your Lordship, various modes of arrest upon which no matter of doubt can exist. There are the arrests upon mesne process and in execution in civil cases; there are the arrests by the high superior courts of justice upon the warrant of commitment for trial, and warrant of commitment for execution after conviction in criminal cases, and there are the well-known cases common to the superior courts, and indeed to many others,

Argument.
15 November 1844.
Mr. *Kelly*.

others, of committal for contempt. But with regard to the form of the warrant the law is laid down by Coke, page 52, in Coke's 2d Institute, in his reading upon Magna Charta.

Lord *Denman*.—Is it A. or B.?

Mr. *Kelly*.—The Second Institute, my Lord, is not divided into A. or B. "If a man woundeth another dangerously, any man may arrest him by a warrant in law until it may be known whether the party wounded shall die thereof or no. If a man keep the company of a notorious thief, whereby he was suspected, &c., it is a good cause and a warrant in law to arrest him. If an affray be made, to the breach of the King's peace, any man may, by a warrant in law, restrain any of the offenders, to the end the King's peace may be kept, but after the affray ended they cannot be arrested without an express warrant. See now the statutes 1 & 2 Philip and Mary, c. 13, and 2 & 3 Philip and Mary, c. 10. Now seeing that no man can be taken, arrested, attached, or imprisoned but by due process of law, and according to the law of the land, these conclusions hereupon do follow:—1st. That a commitment by lawful warrant, either in deed or in law, is accounted in law due process, or proceeding of law, and by the law of the land as well as by process by force of the King's writ. 2d. That he or they which do commit them have lawful authority. 3d. That his warrant or mittimus be lawful, and that must be in writing under his hand and seal." That is alluding to the magistrate. "4th. The cause must be contained in the warrant, as for treason, felony, &c., or for suspicion of treason or felony, &c.; otherwise if the mittimus contain no cause at all, if the prisoner escape it is no offence at all; whereas if the mittimus contained the cause, the escape were treason or felony, though he were not guilty of the offence; and therefore for the King's benefit, and that the prisoner may be the more safely kept, the mittimus ought to contain the cause."

Then, my Lord, a little further on, on the next page (p. 53), one of the great reasons is given for this necessity that the warrant should show the ground of the arrest; and that is, that if unduly arrested the party may obtain his relief by Habeas Corpus. It is said, in page 53, "The like writ to be granted out of the Chancery, either in the time of the Term (as in the King's Bench) or in the vacation, for the Court of Chancery is *officina justitiæ*, and is ever open and never adjourned, so as the subject, being wrongfully imprisoned, may have justice for the liberty of his person as well in the vacation time as in the Term. By these writs it manifestly appeareth that no man ought to be imprisoned but for some certain cause, and these words, *ad subjiciendum & recipiendum*, &c., prove that cause must be showed; for, otherwise, how can the Court take order therein according to law?" Now, my Lords, I pray your Lordships' attention to what is thus laid down: it is in his reading upon those words in Magna Charta, it is in showing under what warrant and in what form parties may be lawfully arrested and imprisoned; and then, adverting to the writ of Habeas Corpus (and that was, I need not say, before the Great Habeas Corpus Act), Sir Edward Coke, after observing that no man ought to be imprisoned but for some certain cause, asks, "for otherwise, how can the Court take order therein according to law?" And I would ask here, my Lords, if the plaintiff, being arrested under this warrant, brings himself before your Lordships under the Habeas Corpus Act, or under the common law, and asks for a writ of Habeas Corpus, and your Lordship looks to the warrant to determine whether he is lawfully imprisoned or not, in what manner of way can your Lordship ascertain the cause why the man has been arrested? It brings it to the alternative which I have ventured to suggest, that if this be a good warrant, specifying, as it does, no offence, and no charge of any offence, it must follow that your Lordships, upon a party bringing himself before the Court upon a Habeas Corpus would remand him into his former custody, and why? Because the warrant is good. And why is that warrant good? What would that proposition import? It would import this, that there being no offence charged, and no offence stated, the House of Commons may arrest any subject of the realm without any offence, without any charge, and without any cause whatever. I see no escape from that alternative, and I therefore call the attention of my learned friend, who is to answer me upon this occasion, to the consequence, as I submit it, which would arise if this Court should hold upon Habeas Corpus that this is a good warrant. Upon what grounds can it be held to be a good warrant, except upon the ground that the House of Commons possesses a power by the law and constitution of this realm to arrest any man without cause shown, without any offence?

Sir Edward Coke thus proceeds: "And this doth agree with that which is said

in

Argument.

15 November 1844.

Mr. *Kelly*.

in the Holy History, *Sine ratione mihi videtur mittere vinctum in carcerem et causas ejus non significare.* But since we wrote these things, and passed over too many other Acts of Parliament, see now the Petition of Right, anno tertio Caroli Regis, resolved in full Parliament by the King, the Lords Spiritual and Temporal, and the Commons, which hath made an end of this question, if any were."

And, my Lords, I may take this occasion, before I go further, to refer to what is said by Blackstone, 1st Blackstone, page 175, in referring to the Petition of Right; because imprisonment under a warrant of this description is just as direct a violation of the terms of the Petition of Right as of Magna Charta. Blackstone, after speaking of personal security, says "Next to personal security the law of England regards, asserts, and preserves the personal liberty of individuals." Then, after detailing what personal liberty is, he observes, "In this kingdom it cannot ever be abridged at the mere discretion of the magistrate, without the explicit permission of the laws. Here again the language of the Great Charter is, that no freeman shall be taken or imprisoned but by the lawful judgment of his equals, or by the law of the land, and many subsequent old statutes expressly direct that no man shall be taken or imprisoned by suggestion or petition to the king or his council, unless it be by legal intendment or the process of the common law. By the Petition of Right, 3 Car. 1, it is enacted, that no freeman shall be imprisoned or detained without cause shown, to which he may make answer according to law." The language of the Petition of Right here applies, I venture to assert, without a single exception, to every species of warrant, civil, criminal, or mixed, under which the liberty of the subject may be for one moment restrained. The language is plain, clear, and intelligible; no freeman shall be imprisoned or detained without cause shown, to which he may make answer according to law; and I deny that there is any one warrant or instrument known to the law, whether emanating from the Crown or the Ministers, from the high superior Courts of Justice, or from inferior Courts of Justice, or from whomsoever emanating, in which cause is not shown where an authority is conferred to arrest and imprison the subject; and this warrant of the House of Commons would become a signal exception if the defendant should obtain your Lordships' judgment to-day. Here is the Petition of Right founded upon repeating in still more explicit language, many centuries afterwards, when the law had undergone many changes, the same enactment as is found in Magna Charta, "That no freeman is to be imprisoned or detained without cause shown, to which he may make answer according to law."

Then here, my Lords, I ask the party being brought into this Court, or any other Court, upon Habeas Corpus, and reciting the Petition of Right, and citing Magna Charta, which require the party who keeps him in custody to produce a warrant, stating the cause for which he is kept in custody, where is the cause in this warrant? I repeat that I am not upon a question of form. It is not a question, which has been debated in some other cases in this Court, whether the House of Commons is bound by all the technical rules that all tribunals, and particularly inferior tribunals, may be bound by. That is not the question here. But the question is, whether, in defiance of Magna Charta, and in defiance of the Petition of Right, the House of Commons can assume, and exercise, the power of imprisoning the subject at its pleasure, without cause shown? It is not a question of form, or a question as to the mode in which one or more offences may be alleged or suggested, that is not the point in dispute; but it is whether, without any offence or charge, or cause appearing upon the instrument, they can, notwithstanding these Acts of Parliament, imprison any subject, and deprive him of the benefit of Habeas Corpus?

My Lord, there is something more in Coke's reading upon the same statute, in page 55 of the same Institute: "Now it may be demanded, if a man be taken or committed to prison *contra legem terræ*, against the law of the land, what remedy hath the party grieved? To this it is answered, first, that every Act of Parliament made against any injury, mischief, or grievance, doth, either expressly or impliedly, give a remedy to the party wronged or grieved, as in many of the chapters of this Great Charter appeareth, and therefore he may have an action grounded upon this Great Charter, as, taking one example for many, and that in a powerful and a late time, Paschal 2, Henry 8, Coram Rege Rot. 538, against the Prior of St. Oswin, in Northumberland. And it is provided and declared by the statute of 36 Edward 3, that if any man feeleth himself grieved contrary to any article in any statute, he shall have present remedy in Chancery (that is by original writ) by force of the said articles and statutes. 2d. He may cause him to be indicted

Argument.
15 November 1844.
Mr. *Kelly*.

upon this statute at the King's suit," and then "he may have an Habeas Corpus out of the King's Bench or Chancery, though there be no privilege, &c., or in the Court of Common Pleas or Exchequer, for any officer or privileged person there, upon which writ the gaoler must return by whom he was committed, and the cause of his imprisonment; and if it appeareth that his imprisonment be just and lawful, he shall be remanded to the former gaoler; but if it shall appear to the Court that he was imprisoned against the law of the land, they ought, by force of this statute, to deliver him; if it be doubtful, and under consideration, he may be bailed." Then again, my Lords, I ask, assuming that a writ of Habeas Corpus had been issued to the Serjeant-at-Arms, and he had returned the warrant under which he alleges in these proceedings he has acted, under which he alleges that he has imprisoned, and does imprison, the body of the plaintiff, what would have been the duty of this Court? If it appeared that the cause of imprisonment was just and lawful, the plaintiff would be remanded; but otherwise he would be discharged. What is the cause stated? There is no cause. It is an absolute order to imprison; it is an imprisonment without cause, and apparently without end, except upon prorogation or dissolution.

My Lords, with regard to warrants of magistrates, the only approach to an exception to the strict rule laid down by Lord Coke, in his Commentary upon Magna Charta, that I am aware of, is this. Undoubtedly, it was thought by Lord Hale that in some cases of great and enormous crimes, a magistrate might justify the apprehension and imprisonment of a person without specifying the offence; that is, merely by assuming a warrant to apprehend the party to answer to whatever shall be objected against him on the part of our Lord the King; that, no doubt, was thought by Lord Hale; I believe founded upon a passage in Dalton. It is quite unnecessary to consider whether that is good or bad law, because this is not a warrant to apprehend the body of the plaintiff to answer to such matters as shall be objected against him, either on the part of our Lord the King, or the House of Commons, or any other person or any other body of persons; it wants that requisite which these warrants, informal as I believe they are, possess.

My Lords, if that were a good and sound doctrine, that a magistrate might justify imprisonment by a warrant calling upon the person arresting to apprehend the party to answer such matters as might be objected against him, Lord Hale, and Dalton, and Hawkins, and all who allude to this doctrine, strictly confine it to "cases of great and enormous crimes." Now we know that the House of Commons has no jurisdiction in the case of great and enormous crimes; the only jurisdiction possessed by the House of Commons, for the imprisonment of a party, is for the maintenance of its own privileges, and that is the power of imprisoning for contempt for disregarding its authority, and that can hardly be called a great and enormous crime; and therefore, even if such a warrant were lawful, this warrant could not be brought within the meaning of the doctrine.

Mr. Justice *Coleridge*.—Have you the reference to Lord Hale?

Mr. *Kelly*.—It is, my Lord, in page 111 of Hale's 2d Pleas of the Crown. My Lords, I conceive that that doctrine, even if correct, is inapplicable here, because it cannot be pretended that this is any case of great and enormous crime at all, or that the House of Commons can possess or claim any jurisdiction in respect of great and enormous crimes; and also, this warrant has not even the matter which appears upon the warrants, for the legality of which Lord Hale seems on that particular occasion to have contended. The warrant is not to answer to any charge which shall be objected against him at all; it contains nothing of that kind.

But, my Lords, I apprehend that upon the better authorities the doctrine itself cannot be maintained; it has long ceased to exist. We know that it did exist during part of the 17th century, in the reigns of James and Charles, when it was really quite impossible from the practice to know what the law was; when the law was disregarded even by courts of justice, and by the most habitual violation of the law among the people. It prevailed only during that period of the 17th century, and it has now ceased by common consent; a totally different form is now in use. No man is apprehended but upon a specification on oath, and a specification of the charge, whether murder or some other felony, in the warrant; that was a practice, therefore, which prevailed in bad times, when the law was disregarded, and it has ceased when the law and the practice of law improved in this country.

But, my Lords, it never was the law; and all the better authorities join in condemning it. Lord Coke, in referring to it, at page 591, says, "Also if a man be indicted

Argument.

15 November 1844.

Mr. *Kelly*.

indicted of treason, or indicted or appealed for felony, the capias thereupon, whereby the party is to be arrested, comprehendeth the cause: *à fortiori*, the mittimus whereby the party is to be arrested, having no such ground of record as the capias hath, must, pursuing the effect of the capias, comprehend the cause, inconvenient certainly; 25th Edward 3." Here, my Lord, I must observe that Lord Coke does what Lord Hale does not. Lord Hale gives no authority, except, indeed, the form in Dalton's Justice; but Lord Coke gives the 25th of Edward 3, fol. 42, pl. 32, "There ought to be a certain cause;" and in the same leaf, pl. 35, "In case of breaking of prison, the cause of imprisonment ought to be shewed." Then, "If a man be indicted *quod felonice fregit prisonam*, &c. generally, it is not good, for the indictment ought to rehearse the specialty of the matter according to the statute, that he, being imprisoned for felony, &c. *fregit prisonam*. We have quoted many other books which, though they be not so certainly reported as might have been wished, yet the judicious reader will gather fruit of them; but see, before the exposition of Magna Charta, cap. 29, *verbo, Aut per legem terræ*, and observe well the words of the writ of Habeas Corpus for a direct proof that the cause ought to be shewed." This, my Lord, is a remarkable proof of the depth into which the doctrine of our law had sunk into the mind of that eminent authority, that even while he is upon a totally different subject he adverts again to Magna Charta. He adverts to that prominent reason, that by the writ of Habeas Corpus the legality of the imprisonment of any person may be brought in question. He says, "Lastly, see hereafter, in the exposition of the statute of *Articuli Cleri*, the resolution of all the Judges of England, the answer to the 21st and 22d Objections, which we will in no sort abridge, for the excellency thereof, but refer you to the fountains themselves. Hereupon it appeareth that the common warrant or mittimus to answer to such things as shall be objected against him, is utterly against law." Now here we have Sir Edward Coke, at a period when the laws were more respected and more accurately observed; just before that time when both Parliament and the people began to run wild into all manner of excesses, we have Sir Edward Coke, deliberately founding himself upon this reason, saying, "It appeareth that the common warrant or mittimus to answer to such things as shall be objected against him, is utterly against law." It is quite clear, therefore, that that learned author throughout that work, indeed I may say throughout all his works, holds tenaciously the doctrine that every warrant by which a subject is imprisoned at all must specify the cause of imprisonment.

The same doctrine, my Lord, is to be found in Lambard's Justice, 2d book, chapter 2, page 87, "It is meet that the precept for the peace do expressly contain the clause of the peace within it, for otherwise how can the officer or party take knowledge that a surety must be provided for it; yea, (by the way, let me say it,) every precept (made by a justice of the peace) ought to comprehend the special matter upon which it proceedeth, even as all the King's writs do bear their proper cause in their mouth with them; and as for their form that is now commonly used (to answer to such things as shall be objected, and such like,) they were not fetched out of the old learned precedents, but lately brought in by such as either knew not or cared not what they writ." Your Lordships will find, therefore, looking at the history of this country, that the only approach to an exception to the rule that the offence must be specified upon the warrant, be it what it may, under which any one is imprisoned, arose about the time of Charles the 1st; that it ceased with the reign of James the 2d; that it, indeed, was countenanced by some during that period, but that it was condemned at the beginning of that period by Sir Edward Coke, and that it has been condemned ever since by every writer who has treated on the subject. And we further find from this learned author that he says it is a practice not derived from the old and learned precedents, and it is against law.

Before I quit the comments of Sir Edward Coke, I will refer your Lordship to another observation of that author, bearing upon another subject, to which I have already alluded upon this point, that the warrant does not state where the party is to be brought, where imprisoned, or until what time, or how he is to be delivered by law. There is no conclusion and no indication to the officer as to what he is to do with his prisoner. Now Lord Coke says, in the same page, page 52, "The warrant or mittimus containing a lawful cause, ought to have a lawful conclusion; viz. and him safely to keep until he be delivered by law, &c., and not until the party committing doth further order; and this doth evidently appear by the writs of Habeas Corpus, both in the King's Bench and Common Pleas, Exchequer,

Argument.
15 November 1844.
Mr. *Kelly.*

and Chancery," "him safely to keep until he be delivered by law." I do not say that that is necessarily the form; under certain statutes he is to be kept till a certain time; he is to be kept until delivered in due course of law, or till he shall have taken his trial. But, my Lords, it is necessary that the warrant should state till what event he is to be kept in custody, or otherwise it would amount to an imprisonment for ever; and, moreover, there is no guide to any sheriff or any officer, what they are to do with him, or how long they are to keep him; and if there were no other irregularity than that, that, I apprehend, would be a fatal one.

My Lords, this not only appears by Sir Edward Coke, but there is the case of Groome *v.* Forrester, in 5th Maule & Selwyn, page 314, which shows the importance of these words in any warrant under which a person may be imprisoned; that was a case in which there was a conviction by two justices, under statute 17 George 2, cap. 38, upon complaint of the overseers of a parish against the late overseer, for refusing and neglecting to deliver over to them a certain book belonging to the parish, called the Bastardy Ledger, convicting him of the said offence, and adjudging that he should be committed to the common gaol, to be safely kept until he should have yielded up all and every the books concerning his said office of overseer belonging to the parish, was held void as to the adjudication respecting the imprisonment for excess, the same extending beyond what was previously required of the person convicted; and a warrant of commitment founded on this conviction, and directing the gaoler to keep him, in the terms of the adjudication, was also holden void *in toto*, for which trespass and false imprisonment would lie against the justices, although the conviction had not been quashed." Your Lordships will see that the substance of that case is, that the party was properly convicted, and might have been properly committed until he should deliver up the book called the Bastardy Ledger; but in the warrant the framer of it had introduced the words, "this ledger and all other books belonging to the parish." The commitment was held void *in toto*, because there was no authority to keep him in prison after he should deliver the book in question. The judgment in that case (I mention it without intending to go through the whole of it) contains a reference to a great variety of cases, showing that in all warrants of commitment, under which one man has acquired a right to imprison another, the term must be stated. It is matter of substance, and must be matter certain, so that the party may not be imprisoned one moment longer than the law requires.

I see, among other cases that are mentioned, there is Bray's case, reported in 5th Modern, 308, and 1st Salkeld, 348, and in the margin of Carthew, "One Bracy was committed by Commissioners of the Statute of Bankrupts, for refusing to answer; and they concluded their warrant, that he be committed to prison, there to remain 'until he conform himself to our authority, and be thence delivered by due course of law,' and upon the return of a Habeas Corpus, he was discharged, because this conclusion was not pursuant to the Statute of Bankrupts, and the Mayor of Northampton's case was cited for an authority. In Lord Raymond's report it is laid down that if he had been committed until he should conform to their authority in the special matter, it had been good; and of that opinion was Lord Holt, and he said that the word 'submit' (which is the word in the statute, and not 'conform') does not mean an act of humble submission, but only to make answer to the question proposed. In Salkeld's Reports, the Court held the word 'conform' instead of the word 'submit,' to be well enough, because it was of the same sense; but because the Commissioners had other authorities besides that of examining, and it did not appear but that it might require a submission to them in other respects, and for that all powers given in restraint of liberty must be strictly pursued, and in this case they had but a special authority and must not exceed it, they held the return nought." Then, my Lords, there are a great number of cases cited, in which, when there was some difficulty in the conclusion of the warrant, as to the time during which the party was held in custody, the whole commitment was held void upon an action for trespass and false imprisonment, and it shows this, that no warrant can be good in law unless it has some conclusion, pointing out to some officer or gaoler in whose custody he is to be, for how long a time, or until what event he is to keep his prisoner; and it is a striking defect in this warrant that it is simply and merely, "You will take into custody the body of the plaintiff," without any of those matters being specified, without which I venture to submit to your Lordships,

Argument.
15 November 1844.
Mr. *Kelly*.

ships, especially looking at the proceedings of the House of Commons, your Lordships cannot hold the warrant to be good. With regard to this plaintiff, the officer is ordered to take him into custody; he is not ordered to bring him before the House within a certain time, or to bring him before the House at all; it is an order to the officer to take and keep him in custody till they shall be pleased further to order; and that, upon the very terms of Coke's Commentary upon Magna Charta, is utterly void.

My Lords, it is hardly necessary to cite further authorities upon this point, with regard to warrants, but I find, during the last century, when the evil practice which had prevailed during part of the previous age had ceased, Mr. Justice Blackstone, in conformity with what Sir Edward Coke had held with regard to warrants of commitment, in the 4th volume, page 300, says, "Upon the whole, if the offence be not bailable, or the party cannot find bail, he is to be committed to the county gaol by the mittimus of the justice, or warrant under his hand and seal, containing the cause of his commitment, there to abide till delivered by due course of law." And I should observe, my Lords, that throughout the fourth volume of Blackstone, and wherever else Blackstone refers to any warrants, whether for apprehension or commitment for trial, or upon oath, he invariably adopts the principle of Sir Edward Coke, that the matter and cause must be stated, and I am not aware of any book of authority, certainly there is no modern authority, in which the doctrine is attempted to be supported; but I do not think that in any ancient book, the validity of a warrant to apprehend a party to answer to all such matters as shall be objected against him, even in cases of great and enormous crime, is supported by anybody but Lord Hale, founded upon a passage in Dalton, and I believe it is likewise found in Hawkins.

Now, my Lords, this is the state of the law, as far as it can be collected from any authorities with regard to warrants of commitment; with respect to process in civil cases, under which a party can be arrested, I need not go into any detail; I may observe, in a word, the whole analogy of the law goes to establish the doctrine, that no warrant can be valid without specifying the cause. If it be a writ, the name of the plaintiff is specified and the debt, and there is the time when the party is to answer the return of the writ. So in execution, the name of the plaintiff and the debt, the Court, and the time and place, are all specified, so that any Court or Judge upon seeing the writ, whether in mesne process or in execution, can determine whether it is valid or not—can determine whether it authorizes the imprisonment of the party, and do justice accordingly. So with regard to criminal cases, the analogy is perfect. In warrants of execution, it is quite clear that the offence is distinctly stated, whether it be a commitment before execution for a criminal offence, or before transportation, or commitment for any term of imprisonment, the offence is always stated; and so with respect to commitments upon summary conviction before magistrates, the offence is invariably stated.

It remains, my Lords, only that I should notice the practice with regard to contempts, and it is more important to advert to that practice, because I apprehend the only jurisdiction that the House of Commons possesses at all to imprison a party, is upon a contempt committed—a breach of privilege, and a contempt. Now, my Lords, here again your Lordships will observe that there is a total departure from the practice pursued by all superior Courts. All tribunals having the power to attach, can imprison for contempt. Let us see what is the practice in this Court, and it is the same in all Courts. Your Lordships, undoubtedly, are not fettered by forms, and I agree that the House of Commons ought not to be fettered by forms with respect to contempts; but if a party be charged with contempt, he is called upon to answer. If he be charged with anything the not answering to which would be a contempt, he still is called upon to answer. If he does not appear, or, if appearing, he gives no sufficient answer, the Court adjudges him to be guilty of contempt, then there is a warrant of commitment against him for contempt. So that if the plaintiff, instead of being arrested by an officer of the House of Commons without any cause, had been arrested by an officer of this Court for a contempt, the warrant would have been produced, and it would have been in the usual form. It is a rule or order of this Court that he shall be attached for his contempt aforesaid, specifying the nature of it. I agree that it need not do it, either in the case of this Court or of the House of Commons; although it may be suggested that the House of Commons has escaped a determination upon the legality of their conduct in imprisoning various subjects of this kingdom, by avoiding all mention of the contempt, simply

Argument.
15 November 1844.
Mr. *Kelly.*

simply resolving that the party has been guilty of contempt, and committing the party for contempt; but such a warrant is good in this Court, and that is the form adopted by this Court. If a party be guilty of contempt, and this Court adjudges him guilty, they then attach him for such contempt. The warrant, in express terms, shows upon the face of it that he is attached and imprisoned by this Court. Then what is the consequence if it be done by this Court? He sues out a writ from this Court before the Lord Chancellor, or before the Court of Common Pleas, or the Court of Exchequer; the gaoler brings up his warrant, and upon that warrant it appears that the party was committed for contempt. Then the Court, whether the Lord Chancellor or any other Court, would say, "We cannot enter into the question of whether the party is guilty or not guilty; we must give credence to the Court of Queen's Bench. It appears upon the face of the warrant that he was imprisoned for contempt, and his imprisonment, therefore, is lawful."

But here, my Lords, there is no contempt, there is nothing stated; and I beg to ask,—and I am at a loss to conceive an answer that would not be fatal to the defendant,—Upon what principle is the House of Commons to depart from the practice binding upon all Courts, binding even upon the Sovereign? Supposing a party to have been guilty of contempt, or charged with it, that they should be able to apprehend without stating what is the cause, when every other Court of Law, acting according to law, is bound to state that upon the face of the warrant? It cannot be, therefore, that your Lordships are to presume that this warrant was issued against the party for contempt; if it were, it ought to have stated it, as it would have done if that had taken place in this Court. Your Lordships can only look to what is stated upon the face of the warrant; and upon the face of the warrant no contempt appears; no charge whatever appears.

My Lords, there are reasons which, no doubt, would have occurred to your Lordships' minds why it is essentially necessary for the protection of the people of this country against an invasion of their liberties by the House of Commons, or any other body, that the cause for which the party is imprisoned under their authority should appear expressly upon the warrant of commitment. My Lords, if an ordinary constable arrested a person under a warrant from a magistrate, and it were to be held that the Court would not look with so much particularity into the warrant, provided the magistrate had jurisdiction, still it is open to the subject to say that he has his remedy against the magistrate. If the magistrate cause the constable to apprehend and imprison a party, and the warrant upon the face of it be doubtful, it might be that the constable might be held protected; but then the party has his remedy against the magistrate, and unless the magistrate had jurisdiction, and has acted lawfully within his jurisdiction, he is liable to an action, and the party aggrieved will obtain redress. But, my Lords, no such redress can be obtained from the House of Commons. The majority of the House of Commons may order any man to be imprisoned for anything that they may think aggrieves them. It may be done for a party purpose, or it may may be done for the wisest and most honourable purposes. I quite agree that your Lordships are to presume nothing against them, but at the same time you are to presume nothing in their favour. A majority of the House of Commons may, without any offence, without anything committed against the public, charge a man with contempt, and order him to be imprisoned; they are liable to no action for what they do, they are irresponsible by law; it is only against their officer that the party aggrieved can proceed. Fortunately they cannot act in their own persons, and, therefore, whenever they attempt to invade the property or person of the subject, they must act by their minister and agent, and if the Courts will not hold a tight hand over their minister and agent, by whom they exercise their power, there is no protection against any degree of tyranny on the part of the House of Commons. You may have protection against an individual magistrate, or against a Secretary of State, but you can have no protection against the House of Commons. It is a continually changing body, and a totally irresponsible one. Therefore if upon one subject of the realm being imprisoned by the order of the House of Commons, which is in truth the order of the majority of the House of Commons, the validity of their act is not to depend upon the warrant under which the imprisonment takes place, I say the liberty of every man in this realm lies at the mercy and caprice of the House of Commons. They may imprison whom they will, and as long as they will, and may do any other act touching the liberty or the life of the subjects of the realm, and unless the minister and agent is responsible, the party is without redress;

Argument.

15 November 1844.

Mr. *Kelly.*

redress; his responsibility must depend upon the authority upon which he acts. It is therefore only upon the warrant under which the defendant has acted on this occasion that the question can arise. If that warrant be bad upon the face of it, and does not justify him, he must be liable, redress must be sought and obtained against him, or there is no redress at all. If upon this warrant, supposing it bad, the officer is not liable to any damages, then there being no remedy against the House of Commons, the party may be imprisoned for any indefinite period without redress. My Lords, I submit therefore, that upon the whole of the authorities to be found in the law with respect to either civil process or criminal process, or to the process by attachment, there is no instance to be found in which any man has ever been held to be lawfully imprisoned under any writ, warrant, or instrument whatever, without that warrant setting forth the cause of his imprisonment. I venture to call upon my learned friend to contradict or disprove that statement in any one particular, to bring before your Lordships any one single instance, be it a writ, warrant, distress, or any document or instrument known to the law under which it had ever been held in any Court of Justice that a party could be lawfully imprisoned, which has not in some way or another set forth the cause of imprisonment, so that the party, if there be no sufficient cause, might be released upon habeas corpus, and if there be a good cause, upon appeal to that court for writ of habeas corpus, the imprisonment shall be held lawful and he shall be remanded to his original custody.

Now, my Lords, I have already called your Lordships' attention to what is the practice of any Court, the proceedings of which we have any knowledge of, and I would venture to say that your Lordships have any knowledge of, in regard to writs in civil and criminal process, and I say that in no one case is there any such thing as a general warrant to arrest. The Court of Queen's Bench never issued such an order; no Court in Westminster Hall ever issued such an order. Upon a charge of contempt, or a conviction of contempt, no such thing was ever heard of as a general warrant or order to seize and imprison the party.

But, my Lords, let us see, as far as we can collect from books of authority, or from precedent, what has been the practice of the House of Commons, and I think your Lordships will find, that though commitment, or I should say, imprisonment of the subject by the House of Commons has been over and over again brought under the attention of the Courts of Westminster Hall during the present and the last century, and even during earlier periods, in no one instance is it to be found that there ever was a warrant for the imprisonment of a person in these general terms, at least, not recognized or held valid by any Court of Justice. My Lords, it will not be necessary for me to go into the numerous authorities on that point, because in Sir John Campbell's argument in the case of Stockdale *v.* Hansard, I believe, after a minute research, that learned person brought under the attention of this Court every instance to be found in which a party had been imprisoned under the order or authority of the House of Commons, and in which the instrument justifying his imprisonment had been brought under the consideration of a Court of Law. He begins with Pye's case, which is in 5th Howell's State Trials, and there it appears that when Sir Robert Pye, who had been committed by order of the Parliament, was brought before the King's Bench on habeas corpus, and Judge Newdigate asked the counsel for the Commonwealth why it should not be granted, they answered that they had nothing to say against it; whereupon the Judge, "ashamed to see them so unfaithful to their trust," replied, that "Sir Robert Pye being committed by an order of the Parliament, an inferior Court could not discharge him." But that, my Lord, was a committal for contempt; I say nothing of the time when this took place, or how far the law at that time was adhered to, or how far the decisions of the Courts are to be respected.

Then we come to more settled times. There is the case of Lord Shaftesbury, in 1st Howell's State Trials, 1269. Lord Shaftesbury was committed by the House of Lords, not by virtue of a general warrant, not by an instrument stating any offence at all, but "for high contempts committed against this House." There again was a committal for contempt: I do not enter into the objections to the validity of that commitment. It is one among other instances which we find where the House of Lords has caused a party to be imprisoned, but never under a general mandate like this, but a committal for contempt.

Again, there is the celebrated case of The King *v.* Paty, in 2d Lord Raymond, 1150.

Argument.

15 November 1844.

Mr. *Kelly*,

1105. There a party was committed by a Speaker's warrant, for having (contrary to the declaration, and in contempt of the House of Commons,) brought an action against the rate constables of Aylesbury, for disallowing his vote in the election of Members to Parliament. There the question arose, the nature of the contempt being stated, whether it was a contempt or not; and the Court said that that could not be inquired into, but if inquired into, it was held to be a sufficient contempt. But there it was a commitment for contempt, it was not an order to imprison without cause shown, but what the House of Commons deemed to be a contempt of their privileges.

Again, my Lords, in Alexander Murray's case, which is in 1st Wilson, 299. It appears that Murray had been committed by the House of Commons for contempt. That again is a committal for contempt.

So in Brags Crosby's case, 3d Wilson 188, the party was committed by the House of Commons for a contempt in holding their messenger to bail for having executed their warrant. There, again, there was a conviction of contempt, and a committal for contempt.

So in the case of Alderman Oliver, which was the same in its circumstances with that of Crosby, it was a committal for contempt.

The King *v.* Flower, which is in 8th Term Reports, page 314, was a case in which the party had been committed and fined by the House of Lords for a breach of their privileges, in publishing a libel on the Bishop of Llandaff. The House of Lords had found the party guilty of contempt, in publishing a libel upon one of their body, and the party was committed for contempt.

In the case of The King *v.* Hobhouse, one of the most modern, Sir John Hobhouse was committed for contempt, in publishing a libel. So that your Lordships find, in all those cases in which the proceedings of the House of Commons, the warrant of the House of Commons for the imprisonment of parties, has come under the attention of this Court, it has never been a warrant in general terms, without specifying any offence, but it has been a warrant of commitment for a contempt found and adjudged against the party. I would beg leave to repeat, that while I do not deny the power of the House of Commons to try a party guilty of contempt, to adjudge him guilty of contempt, and to find him guilty of it, and commit him for that contempt, I do venture respectfully to deny their right to imprison for any cause; and above all, to imprison without specifying any cause whatever.

My Lords, the next question that arises is, whether, supposing this warrant to be bad by reason of its containing no offence, and no cause wherefore the party is to be imprisoned, and no time or event until which, or when, he is to be imprisoned, the defendant can fall back upon the averments in the plea, and can aid the case of his warrant by any matter in those averments? And I submit to your Lordships that he cannot.

In the first place, your Lordships will observe that by this declaration the defendant is charged with having imprisoned the plaintiff. The defendant by his pleas admits that he has imprisoned the plaintiff; he justifies that imprisonment by this warrant, which he sets out, and he then alleges in direct and distinct terms that it was by virtue of the warrant that he arrested and imprisoned the plaintiff. Now can he add to it? Can he depart from it and substitute anything, or can he add to it, or show that there existed a real cause *aliunde* or in addition to the warrant? We have only to look to analogy for a single moment to see that that cannot be. I know of no difference, for the purposes of responsibility in imprisonment, between an officer of the House of Commons and the sheriff, or any other officer of this Court. Now, my Lords, suppose for a moment that the sheriff had arrested the body of a person upon a writ of *capias ad satisfaciendum*, and it appeared upon looking at that writ that it specified no sum; it specified no time or event until the occurrence of which the party was to be imprisoned; that it was a *capias ad satisfaciendum* in its usual form, except that it contained no sum, no return, and no information to the officer as to what he was to do with the person imprisoned; it is perfectly clear that such a writ would be void. Suppose an action for false imprisonment brought against the officer and the sheriff, and he justifies; and suppose he alleges a judgment recovered by A. B. against the plaintiff for 1,000 *l.*, that that judgment in all respects justifies the issuing of a writ for 1,000 *l.* at the suit of a particular party against the plaintiff; and then he alleges the writ in question, and that under and by virtue of that writ he arrested the body of the plaintiff; can it be contended for one moment that if that writ be void, the sheriff can go back to the judgment, and say, True it is, this

writ

Argument.
15 November 1844.
Mr. *Kelly*.

writ specifies no term of imprisonment, and no place; it contains no direction what I, the officer of the Court, was to do with the party arrested; it is void; but then I will show a good judgment; I will show that there was a proper authority for me; that there was a writ of *capias ad satisfaciendum*, and an award against the party for the sum upon which I imprisoned, and upon the payment of which I would have allowed him to depart? That would not be held good upon the authorities to which I have called your Lordships' attention. Every officer who has arrested any party under a writ, or under any document of authority, must set that forth in the warrant, and if he fail to do that, his justification fails; he cannot go back and show circumstances upon which a good warrant might have issued, or show circumstances upon which a good writ of *capias ad satisfaciendum* might have issued. Neither here can the defendant show any order made by the House of Commons under which a good warrant to apprehend the plaintiff might have issued. I apprehend he cannot do that, and, were it otherwise, the inconvenience to which I have called your Lordships' attention would follow; that supposing, for a moment, the plaintiff had committed contempt, for which he was liable to be committed and imprisoned by warrant of the House of Commons, still, if the warrant under which the defendant proceeds to arrest him be void on the face of it, he is not bound to yield. He might well say, If you had produced a warrant charging me with contempt, and authorizing, on the part of the House of Commons, my body to be imprisoned for contempt, I would have yielded obedience to it; but the warrant specifies something which is no offence, or over which the House of Commons has no jurisdiction, and therefore I am warranted in resisting it. The sole question, I apprehend, for your Lordships to decide is the validity of the warrant upon the face of it, under which he might have applied for a habeas corpus to be discharged, and which warrant ought to put your Lordships in a position to know whether he was lawfully imprisoned or not; and I apprehend that the defendant cannot refer to the averments in the plea and say that this was done under and by virtue of the privileges of the House of Commons.

But, my Lord, I will assume, in order to raise the third question——

Mr. Justice *Coleridge*.—Before you pass on, in an action against a magistrate who has committed a party where the plea is the general issue, is it not usual to put in a good conviction as the answer, supposing the warrant was bad? That would be an analogous case upon pleading.

Mr. *Kelly*.—It would be precisely analogous, my Lord; but the difference is this: there the action would be against the magistrate, and he would put in the conviction to justify himself, to show that he did it by virtue of a good conviction.

Mr. Justice *Coleridge*.—But there is a bad warrant.

Mr. *Kelly*.—I will come, my Lord, to that point; that would be the case if we were now suing the House of Commons, or the Speaker of the House of Commons. I will take the case that we were not suing, as we now do, the officer who pleads the warrant, but the magistrate who had issued the warrant. I apprehend that if the magistrate, having pleaded the general issue, were to put in the conviction, that would not be enough, because it was not the conviction that imprisoned the party. Look, my Lords, to what it is that the plaintiff complains of. The plaintiff complains, not that the magistrate has committed him, that is done lawfully, but that he has been imprisoned by his body. I will suppose that the magistrate who has imprisoned him by his body was, in answer to that, to put in the conviction——

Mr. Justice *Coleridge*.—I do not say how the law is; but is it not a common notion that a bad warrant is aided by a good conviction? It is a common opinion.

Mr. *Kelly*.—Not, my Lord, where the magistrate has issued a warrant. It is quite clear that if the magistrate issues a bad warrant, the party has his remedy against the person who arrested him and the person who causes him to be arrested, because it is not the conviction that he complains of, which is perfectly right. It is exactly the case I have put of a writ of *capias ad satisfaciendum*. The judgment is good, but the *ca. sa.* is bad. If the party be arrested under a void writ, he has his action, though there may be a good judgment against him. So here the party has his action for a void warrant, though the conviction may be good. It would, my Lord, be dangerous to lay down any general propositions upon the subject. I must have a more specific case before I can answer it; for I can imagine a case where a magistrate would be justified by a good conviction. But supposing, in a summary conviction under Act of Parliament, authorizing a party

Argument.
15 November 1844.
Mr. *Kelly.*

to be imprisoned for any period not exceeding 30 days, there were a good conviction and a sentence that he be imprisoned for 28 days, and founded upon that a warrant that he be imprisoned for two months, the magistrate who commits the party is liable, because there is no judgment to authorize——

Mr. Justice *Coleridge.*—There the warrant would exceed the conviction; but supposing the warrant defective in matters of form, as it often is; suppose the warrant states nothing at all of the cause, and yet it would appear upon the conviction that the magistrate had jurisdiction to commit in the case of that particular person?

Mr. *Kelly.*—Unless a precise case were put, I should be sorry to be obliged to answer it; but I take it to be clear that it would depend upon this: "If upon the mere conviction the magistrate himself could order the party to be imprisoned by parol without writing, and there is a verbal order independently of the writing, then probably the magistrate would be justified; but if there be a conviction, in order to carry which conviction into effect there must be a warrant, in writing, for the protection of the gaoler, who is to receive the party if that warrant be bad, and the party has been illegally arrested, though there has been a conviction under which he may be legally arrested, there is no instance where the warrant being bad, a good conviction has been held to be a justification to any one who causes the warrant to issue. The case which is of very common occurrence, is the case of convictions by magistrates. If the magistrate has jurisdiction by a lawful commitment, and he issue a proper warrant, he is not liable to trespass; but if the body of a person is arrested under an improper warrant, though it is a good conviction, everybody assisting to arrest him is liable to trespass; and everybody who causes his arrest is equally liable. If there is any case of exception, if it is cited, I hope I shall be able to answer it; but I am unable to give such a case. It is no answer to say cases exist where, if you had issued a valid warrant, the party would have been liable to arrest.

I am not quite sure that I correctly apprehend what has fallen from your Lordship, because the fact is, that it is not the course for the magistrate to rest upon the conviction. If we look to the partial course taken, we shall see how it arises that the magistrate puts in his conviction. The plaintiff is obliged to put in the warrant in order to fix the magistrate in the same way as in an ordinary case. To show his authority the magistrate puts in the conviction; but if the party has been arrested under a void warrant, surely the conviction will not justify the magistrate. Take the case which I mentioned, of Groome *v.* Forrester; there was "a conviction by two magistrates, under statute 17 Geo. 2, c. 38, upon complaint of the overseers of a parish against the late overseer, for refusing and neglecting to deliver over to them a certain book belonging to the parish, called the Bastardy Ledger, convicting him of the said offence, and adjudging that he should be committed to the common gaol, to be safely kept until he should have yielded up all" the books belonging to his office. I will see, my Lord, whether there was any distinction taken there between the warrant and the conviction. Lord Ellenborough says, "The imprisonment complained of was the commitment of the plaintiff to the common gaol at Shrewsbury, under the warrant of the defendants, as magistrates, founded upon a conviction of the plaintiff, as late overseer of the parish of Broseley, in that county, which conviction was had before the defendants, under the 17 Geo. 2, c. 38, against the plaintiff, for not delivering over to the succeeding overseers of the parish a certain book belonging to the parish, called the Bastardy Ledger, in breach of his duty under that statute, which required him to deliver over all such sums of money, goods, chattels, and other things, as should be in his hands to such succeeding overseers. In case of his refusal or neglect so to do, the statute authorizes two or more justices of the peace to commit him to the common gaol until he shall have paid and yielded up such monies, goods, chattels, and other things in his hands. The conviction, as far as relates to the withholding of the particular book in question, the offence charged in the information is correct." There, my Lords, the conviction was bad. I think it will be found upon a variety of cases (one of which I will refer to in a moment, of Morse *v.* James, in Willes' Reports, page 122) that the validity of a conviction in trespass will be a good defence to a magistrate or anybody else who has done no more than convict; but that if the magistrate be a party to the execution of a warrant, which warrant is illegal, the conviction is no defence at all, because it is not the fact of the conviction, but of the arrest under the warrant that the party complains of.

The case, my Lords, of Morse *v.* James was this: "An officer of an inferior

Court

Argument.
15 November 1844.
Mr. *Kelly.*

Court may justify acting under process which is only voidable, but not under void process. Errors in process in inferior Courts cannot be amended under statute 8 Henry 6, chap. 12 & 15. Officers justified under a precept, stated to bear date 26 February, issuing out of a Court held 24 February, held that the process was void, and the justification bad. A sheriff, who justifies under a returnable writ, must show it returned, though his bailiffs need not." Then there are various queries: "Whether it be not necessary for the officer of an inferior Court, to whom its precepts are directed, to show a precept under which he justifies returned? If in such case he do not, but rely merely on the precept itself, whether it be necessary for him to conclude the plea *prout patet per recordum?* But if he do show the return as well as the precept, the plea must so conclude. When an officer of an inferior Court justifies under a precept to take the goods of A. B. in execution, the precept and return are not merely inducements, but of the substance of the justification. Though an officer is justified in acting under erroneous process, it must be in a case where the Court out of which it issued had jurisdiction. Defendant justified as an officer of an inferior Court for trying, &c. causes touching mines and miners within a certain district; the plea was holden bad, because it did not allege that the defendant below was a miner 'at the commencement of the suit below,' but only 'when the execution issued.' If the plaintiff in an action in an inferior Court, or a mere stranger justify under process, he must set forth the proceedings at length, otherwise the plea is bad, not only as it respects him, but the officers of the Court also, who join with him in the plea." I do not know, my Lord, that there the judgment was at all impeached upon which this process issued. But I take it, my Lord, to be clear, that even in cases against a magistrate, no authority will be found to the contrary of this, that where a magistrate has been, by issuing a bad warrant, the cause of a party being imprisoned, he can only justify himself, not by a good conviction, but by showing that the imprisonment was lawful, and that if that imprisonment be by virtue of a warrant, which warrant is not good, he fails in showing that he is not liable.

But, my Lords, this again is not the case of an action against a magistrate; this is not an action against the principal parties, the House of Commons, and it is an additional reason why your Lordships should watch seriously the process under which the party here has acted. It is an action against the officer of the House of Commons. He sets up as his justification the warrant, and if the warrant is bad the justification fails; and I submit to your Lordships that he cannot then fall back upon the proceedings of the House of Commons with a view to justify himself; if so, I do not see why an officer who has arrested a party upon a void warrant, a warrant generally to arrest, without stating any offence, can justify himself by showing that there was a conviction upon which a good warrant could issue. To return to my argument, I will suppose the case of a sheriff acting upon a writ of execution, which writ of execution is void upon the face of it; could the sheriff go back and show, that though the writ of execution upon which he has acted is void, there was a good judgment, which would have warranted a good writ of execution issuing for the same purpose? I apprehend he could not. So here I apprehend that it is not competent to the defendant to fall back upon any averment in these pleas, and say that anything that has been done by the House of Commons will justify the arrest which has here taken place, unless the warrant which he sets forth as his justification be good upon the face of it; otherwise, one sees in a moment, that this direct inconvenience would follow. It might well happen that the House of Commons had adjudged a party guilty of contempt, for which he would be liable to be imprisoned, but that the warrant specified an offence over which the House of Commons had no jurisdiction; what would be the result if he came and complained of having been imprisoned? The defendant would plead a warrant charging felony: the plaintiff would allege, "The House of Commons has no jurisdiction over a felony." It would not do to say, "True, but you were guilty of contempt, and therefore this warrant is good." I submit, therefore, upon every principle of reason as well as of law, that the defendant must stand or fall by the warrant, and that he cannot call in aid any of the matters stated in this plea to justify his imprisoning the plaintiff.

But now, my Lords, let me suppose for a moment, on the matters set forth in the pleading, but that it were the House of Commons justifying the imprisonment of the plaintiff upon the various matters stated on one or other of those pleas, I submit to your Lordships that there is nothing in these pleas authorizing the House of Commons to arrest and imprison the plaintiff at all.

Argument.

15 November 1844.

Mr. *Kelly.*

My Lords, the facts in the pleas differ, but I believe they will be found in legal effect to be substantially the same. In the first and second pleas the facts relied upon are, that certain matters were under discussion in the House of Commons upon which it was thought necessary to examine the plaintiff, that he was summoned to attend, and that he contemptuously refused to attend; and that therefore an order was made, not that he was guilty of contempt, and that he was imprisoned for that contempt, but an order was made that he be brought, in the custody of the Serjeant-at-Arms, to the House of Commons. I am not upon the warrant, which I have for the present purpose done with, but the proceedings of The House. The order states that a charge of con-empt had been made against him in the House of Commons, that he had notice of the charge, and was called upon to attend, that he disobeyed and refused to attend, and that thereupon the said order issued that he was to be brought up by authority of The House in the custody of the Serjeant-at-Arms. Your Lordship observes, the substance of the averment in the one plea is, that matters were under discussion on which it was desirable to examine him; and, in the other, that a charge of contempt was made against him, for which he was called upon to answer; that he refused to come, and that therefore they proceeded to take him into custody in order to bring him to the bar.

Now, I submit to your Lordships that the House of Commons has no power by law to arrest or imprison any of the Queen's subjects by what might be fairly termed mesne process at all. They have no right to arrest a party, in order to compel him to be a witness to be examined; they have no right to arrest a party to compel him to answer to a charge. They have a right, and that is the course which I apprehend they ought to have pursued; they have a right, undoubtedly, to summon to the bar of their House any of the subjects of this realm, to assist them in their deliberations, to give evidence either upon an election petition, or before the Committees of the House, or in the House itself, for any of the great purposes for which the House is assembled. They have undoubtedly a right to summon a party to attend before them. They have a right, for disobedience of their summons, if he refuse to attend, to punish him. They may do as your Lordships do; your Lordships subpœna a witness, and if he fails to attend, you may decree that he is guilty of contempt, and for that contempt punish him by committal to prison. The House of Commons must do the same; they may summon a party as a witness, they may summon him to appear upon a charge of contempt; if he refuse to appear they may adjudge him guilty of contempt for his refusing to appear; or for matter *aliunde* they may find him guilty of contempt, and upon adjudging him guilty of contempt, they may imprison him or commit him for that contempt, but they can do no more. And if your Lordships were to decide, looking at the allegations of this plea, that the House of Commons had the power to arrest and imprison under the circumstances stated in that plea, it would be at the outset to recognize a power in the House of Commons of imprisonment not recognized in any court of law, or any other power. And I apprehend your Lordships would pause before you would judicially recognize any such right in the House of Commons or any other body of persons. I again refer, for this purpose, to that which is laid down in Magna Charta; no one shall be imprisoned but by the law of the land. How are we to know the law of the land? By statutes and decisions. There are abundance of decisions in the last two centuries in which this Court and other Courts in Westminster Hall have recognized the power of imprisonment in the House of Commons, and have recognized the right of the House of Commons, upon adjudging a party guilty of contempt, to commit him for that contempt. But they have never recognized the right, and I am not aware that it has been claimed, to arrest and imprison upon mesne process, or the right to compel a party to answer to a charge. And your Lordships will find, looking to the analogy of the case, how different is the power claimed by the House of Commons from any other power exercised by any other Court, or any authority in the land. The House of Commons may call upon a party to answer to a charge, and then upon his refusing commit him for contempt; just as if the party were subpœnæd by a writ of subpœna, issuing out of this Court to attend before this Court upon the trial of a cause, and he contemptuously refused to appear, the Court might adjudge him guilty of contempt. But this is a totally different case. Your Lordships will observe upon this record it is not alleged that the party ever was adjudged guilty of contempt.

My Lords, see what the course is in the Court of Queen's Bench under like circumstances;

Argument.

15 November 1844.

Mr. *Kelly*.

circumstances; this Court possesses the same power to compel the attendance of witnesses upon the trial of a cause, by subpœna, as the House of Commons possesses to compel the attendance of a party upon any proceeding before them, to be examined, to give evidence, or, if you please, to answer to a charge; a subpœna is issued, which is like the summons or order to attend which appears in these pleas. Where the subpœna is contemptuously disobeyed, what is the course? Can your Lordships issue a warrant to apprehend a party either generally or to bring him into the witness-box to give evidence? Clearly not. There is no such power in the law; it never was exercised; it never was claimed. But the proper course is this: the course is, if a subpœna is issued, if it has been duly served, and the party has had due notice, has been called upon, so that it became his duty to appear to give evidence, and he has failed to do so, that fact is brought before the Court on affidavit, as it might be before the House of Commons in evidence, as is the constant practice, the party is called upon to show cause why he should not be found guilty of contempt, and attached for that contempt; and either for not appearing at all, or not showing a sufficient cause, he is adjudged guilty of contempt, and the writ of attachment issues. If here, my Lord, it had appeared upon this plea that the plaintiff was called upon to attend the House of Commons as a witness, or to answer a charge of contempt, or for any other lawful purpose, and that, having notice, he refused or neglected to attend, and then the House of Commons had proceeded to consider the contempt so committed, and having given him an opportunity of answering that charge of contempt, had adjudged him guilty of contempt, either for default or non-appearance, or upon his appearance, showing an insufficient cause, and they had then issued a warrant, no doubt that would have been good cause to justify the imprisonment, and he would not be discharged on Habeas Corpus. But that is not the course here; he has never been tried for contempt, either by default or upon appearance; he has never been adjudged guilty of contempt, and consequently no warrant of commitment, that the House of Commons, or attachment, as we should say in this Court, can issue.

And here I pray in aid the authorities cited by the Attorney-general in the argument of Stockdale *v.* Hansard, in which eight or ten instances occurring during the last century and a half, ending with the case of Sir John Hobhouse, were brought under the attention of the Court, in which parties had been imprisoned by the House of Commons, and upon applications for a Habeas Corpus before this Court. What was the result in every one of them? No right was claimed by the House of Commons to apprehend them upon a charge, and to bring them by force to give evidence as a witness, or to bring them by force to compel them to answer to a charge; nothing of the kind throughout; the whole imprisonment was founded upon an actual judgment and adjudication that they were guilty of contempt, and then the warrant of commitment issuing upon that judgment. So that, my Lord, the analogy of proceedings in Courts of Justice with regard to witnesses, with regard to charges of any kind, is completely against what is here contended for. This Court could no more, I apprehend, issue a warrant to apprehend parties to bring them to the bar of this Court, or into the witness-box of this Court to give evidence, than they could apprehend a party without cause shown at all. The ordinary course pointed out by law, and, I apprehend, is the same course that is binding upon the House of Commons (there is no authority by law to the contrary) is that, if a party be summoned, if he fail to appear, he must be called upon to answer for not appearing, and before he can be imprisoned, he must be adjudged guilty of contempt. There is nothing of the kind here, and consequently these facts would furnish no ground of justification. The House of Commons, by their officer, if they rely upon this averment in the plea, must claim not only the power which has been hitherto exercised, the power of commitment for contempt found and adjudged, but they must claim the power of apprehension by mesne process, and of imprisoning a party in order to compel him to answer to a charge. Now, my Lord, that is perfectly novel; it is totally unsupported in precedent, totally without any authority; and when we look to what the nature of contempt is, and how long the doctrine of the punishment by law for contempt by the various Courts has prevailed, if we find the law altogether silent as to any power in any Court which may punish for contempt, to arrest and apprehend upon a charge and to bring a party before them to answer to the charge, if we find that that has never been claimed, and never exercised by

Argument.
15 November 1844.
Mr. *Kelly*.

any Court, surely your Lordships will not now, for the first time, recognize it in the House of Commons. That the whole doctrine of contempts is of the most ancient character is perfectly clear, from a case with which all your Lordships will be familiar, the case of The King *v.* Arnold, which is to be found in Wilmot's Opinions, page 253 ——

Lord *Denman*.—That which you are quoting is some other book, containing a report of that case.

Mr. *Kelly*.—What I am quoting, my Lord, is 4th Bingham, Miller *v.* Knox, where the judgment refers to that case, and I quote it on account of the learned Judge's reference to that case, showing, undeniably, that the doctrine of contempts is as ancient as Magna Charta, and showing how the doctrine arose, and how contempts are punished, and what is the process that has been recognized by all superior Courts, from Magna Charta down to the present time. If, then, my Lord, we find that the doctrine of contempts is coeval with Magna Charta, if we find from that remote period down to the time of the learned Judges, many of whom, if not all of whom, took part in Miller *v.* Knox—if we find, during the whole of that time, the doctrine of contempts has existed, and that the Courts have invariably claimed and exercised the right to punish for contempts, but that invariably, through that long series of centuries, it has always been done by calling upon the party to show cause why he should not be attached or punished for his contempt, and then, upon adjudication only, he has been punished for it, been imprisoned for it; surely, my Lords, we are not to be told at the present day, that to this practice, which has existed for six or seven centuries, a new feature is to be introduced, and a new power of limitation of the liberty of the subject, and that a Court, and that Court, too, the House of Commons, the last Court in all the realm to alter the ancient common law of England, is to assume a power never claimed before, not of punishing for contempts found and adjudged, but of arresting upon mesne process, and bringing the party arrested before them to answer to a charge. I am now assuming that the validity of the warrant is laid aside; that the party is at liberty to fall back upon the pleas, and consider whether the matter in the pleas is any justification for the party. The question is, whether the House of Commons has the power of arresting a party and bringing him to the bar, there to answer, or whether they must not try him in his absence, if he contumaciously refuse to appear, or in his presence, if he think proper to appear, and find him guilty before they proceed to imprison him.

My Lords, it is not at all necessary that I should refer at any length to the cases. I find that one of your Lordships now present, Mr. Justice Williams, in page 587 of 4th Bingham's New Cases, Miller *v.* Knox, observes, "Now that the superior Courts of Record especially have been in the habit of issuing such process," that is, process of contempts, "is past a doubt. The issuing of attachments by the superior Courts of Westminster Hall for contempts out of Court (as is observed by Lord Chief Justice Wilmot in his prepared but not delivered judgment in the case of Rex *v.* Almon) stands upon the same immemorial usage as supports the whole fabric of the common law. It is as much the *lex terræ*, and within the exception of Magna Charta, as the issuing of any other legal process whatsoever." All the other Judges follow much in the same language, showing that this usage of various Courts of Law to commit for contempt, inasmuch as it goes to the imprisonment of the subject, could not be maintained at all, as it is founded upon no intermediate statute, unless it came within the meaning of those words *per legem terræ*, and therefore the power existed by Magna Charta; and what, my Lord, is the effect of that upon the present argument? There is no statute authorizing the House of Commons to arrest upon mesne process for contempt; therefore that right, if it exist, must have existed at the time of Magna Charta. Here are 128 instances referred to of particular kinds of process issued for contempt during the course of centuries, from the time of Magna Charta down to the present time; that is, cases of process of commitment for contempt; but in no one instance, by either the House of Commons or the House of Lords, in the worst times, in good times, or in bad times, was the right ever claimed of committing upon a mere charge of contempt; and that is what is claimed by this plea, if your Lordship looks at the terms of the plea. I do not refer now to the first or second pleas, which are pleas claiming the right to imprison, because the party's presence was desired to assist in some discussion, or to be examined; but I refer to the third

Argument.
15 November 1844.
Mr. *Kelly*.

third and fourth pleas, which claim the right to compel him to come in custody; that is, to compel him to be imprisoned and to appear in person to answer a charge. And, my Lords, if we find that this power of punishing for contempt has existed and been necessarily exercised, and I may say exercised not only well for the Judges, but satisfactorily to the whole people, for whose good alone the law exists at all and is administered at all; if we find that this power of summary conviction and committal for contempt has prevailed and has been exercised from the time of Magna Charta downwards; and if at the same time we find that no tribunal whatever has ever exercised or claimed to exercise the power of arresting a person to answer a charge, upon what pretence, I ask, is it to be said, that the last body in whose favour a new power to imprison ought to be held, the House of Commons, ought to exercise this right? My Lord, I know not whether my learned friend on the other side will address himself to the actual practice of The House as he finds it in their Journals; but this I will say, that if we look to precedents, there are precedents for every crime of every order, from taking off a king's head down to bringing an action of ejectment against a servant of the House of Commons. Therefore I do not look to precedents,—and those, too, the precedents of an irresponsible body, constantly changing,—with a view to abridge the liberty of the subject. I apprehend that it is not their precedents in their own Journals, but precedents which have undergone judicial discussion, and received judicial sanction in the Courts of Westminster Hall, that will alone establish such a right.

If, therefore, your Lordships find, that although undoubtedly the House of Commons possesses the power of punishing upon conviction for contempt, this Court also possesses that power, and has exercised that power for many centuries. Yet, when we look at the mode in which it has been exercised, it has been in a way calculated to do justice to those who are to come within the reach of the law; that is, that in all cases, whether it be contempt for not obeying a subpœna, or contempt of any other kind, the course has been to call upon the party to answer; and if he fail to answer, or answer insufficiently, then and then only to commit him for contempt. I do submit that unless judicial authority and course of law can be shown to support the position, the argument will not prevail before your Lordships this day, that a power beyond that can be recognized in the House of Commons; not a power of first trying and convicting, and then imprisoning a person, but a power of imprisoning in the meantime and before conviction, and before, in short, any offence may be committed.

My Lord, with regard to the right claimed in the first and second pleas, I conceive that that can hardly be insisted upon, unless, indeed, my learned friend contends that anything that the House of Commons choose to resolve to be law shall be deemed to be law. It comes to this; the presence of the plaintiff was desired, in order to assist in certain matters under discussion, therefore he was to attend to be examined; he was called upon to attend, and he refused to do so, therefore they bring him in custody. Now that sort of specific obedience, specific performance enforced by any tribunal, is quite foreign to our law. The House of Commons undoubtedly possesses the power of summoning a witness, so does this Court; but the House of Commons surely possesses no more power than this Court to bring any witness into the Court by his body. He may be punished for his disobedience, but there is no such proceeding which the law has sanctioned, or, indeed, which has ever been claimed, as that not merely you may summon a party as a witness, and punish him for contempt, but that you may take him by his body, and bring him as a witness into the witness-box. It is quite contrary to all analogy; it was never claimed till it was claimed upon this record; and I apprehend, though in these times we do not dread the exercise of any such power, times have been when the exercise of such a power would have proved something terrible even to contemplate; because if instead of treating disobedience to a subpœna or a summons to attend as a witness, as a contempt, and punishing it as a contempt, if you are to use physical force, and bring a man into the witness-box, I do not know why physical force may not be used to compel him to speak when he is in the witness-box, and why they may not (not, indeed, according to the English law), resort to torture. I quite agree that the House of Commons may find a party guilty of contempt; but if you are to say that the House of Commons may compel him to come as a prisoner to give evidence, before it has been ad-

Argument.
15 November 1844.
Mr. *Kelly*.

judged that he is guilty of contempt; if you are to say that they may commit him for a contempt preliminary to trying him for that contempt, I do not know why this might not be the first attempt to issue a process under which they would at length, by one step after another, compel him to give evidence whether he would or not. It is enough, however, to say, that this is a right which has never been recognized in any Court of Law, and which, I apprehend, your Lordships will not recognize here.

I am unwilling to trouble your Lordships with further quotations, but I ought before I sit down to refer to the decisions of Burdett *v.* Abbot, and of Stockdale *v.* Hansard, as comprising in various parts the views of the Judges who decided those cases. The one is in 14th East, and the other in 9th Adolphus and Ellis, page 1, and those two cases comprise the whole of the law prevailing upon this question; and I think, without wearying your Lordships by referring to the various portions of those judgments, it will be found that with regard to contempt, where a complaint is made that any subject of the realm has committed a contempt against the privileges of the House of Commons, the House of Commons, no doubt, is the sole judge; it is in itself the sole tribunal to try that question. It may try that question; it may call upon the party to answer; it may adjudge the party guilty upon appearing or upon default; and if, having found the party guilty of contempt, they commit him for contempt, and in the warrant of commitment it clearly appears that the party has been guilty of a contempt of the privileges of the House of Commons, the party has no redress. This Court will not sit as a Court of Error upon the proceedings of the House of Commons, but this Court will hold that they have a jurisdiction, that they have exercised it, and that the party must therefore suffer the imprisonment which the House of Commons has awarded against him. But there, I apprehend, upon these authorities the power of The House stops. I do not enter into the question, a painful question, should it ever arise of whether, if the House of Commons imprisoned for contempt, and they stated that contempt upon the face of the warrant of commitment, and that appeared to be something which this Court could not hold to be contempt, but which to hold to be contempt would be an outrage upon every principle of justice, this Court would then liberate the party. That question does not arise here. I am free to admit that the power is recognized of committing for contempt, upon a contempt found and adjudged; but I deny that the right of imprisonment, not by way of sentence upon conviction, but of imprisonment upon a charge, the right now claimed by the House of Commons, has ever been exercised. My Lord, I go further. If, by anything alleged in this plea, your Lordships are again to be told that it is sufficient that it is alleged and admitted upon this plea,—that the House of Commons have taken upon themselves from immemorial usage and custom to issue this warrant, and to make this order directing that a party should be committed,—I answer that it is not by a resolution of the House of Commons, which is only one co-ordinate branch of the Legislature and that alone, that that can be made law which was not law before, and can be judicially taken notice of; and that is found to be laid down in the case of Stockdale *v.* Hansard; because there it was alleged in the clearest and most distinct terms, that the House of Commons had resolved that it was their privilege and undoubted right to publish the papers which were made the subject of the action. Your Lordships held that they could not, by a resolution of their own, declare that to be law which was not law; they could not create a right which did not exist by law before. So I say here, if your Lordships could hold that there is anything in these pleas amounting to an averment that the House of Commons profess the power to arrest upon mesne process for contempt,—to arrest a party in order to compel him to come and give evidence,—I answer upon the case of Burdett *v.* Abbot, and Stockdale *v.* Hansard, it is not their alleging that such is their privilege that will make it their privilege or the law of this country. That has never been held, and your Lordships will not hold it.

My Lords, I have only, before I sit down, to make two observations, rather upon matters of form than with reference to the great matters of substance to which I have adverted. The first is with regard to the House of Commons. Your Lordships will not find that it is anywhere directly averred in these pleas that it was the privilege, and so the right by law, of the House of Commons to arrest under the circumstances stated. The mode in which the averment appears is this: that

a Parliament

Argument.

15 November 1844.

Mr. *Kelly*.

a Parliament was sitting at Westminster; that certain matters came under discussion, in respect of which it was desirable to examine the plaintiff; and that The House, according to the usage and custom of The House, made their order, and afterwards, according to usage and custom, issued their warrant. Now my Lord, that I apprehend is not a sufficient averment that they possessed any such power by the law of this country, and that it was their privelege to arrest upon mesne process upon a charge of attachment, or that it was a part of the privileges of the House of Commons, and so a part of the law of the land, to arrest and imprison a party in order to compel him to be examined as a witness. It is merely alleged in the ordinary way, that they did this according to usage and custom, but not that it was their privilege to do so. Now, I apprehend that when a privilege is claimed, it must be averred to exist in express terms, and that it is no more sufficient to say that this was done according to ancient custom than it would be, in a document not setting forth what amounted to felony, to allege that an act was feloniously done. It is not sufficient to allege that A. feloniously killed B; that which the law requires to be stated must be stated with all the nicety and certainty which the law requires; so must every other matter which constitutes a privilege against liberty. I apprehend, if such privilege at all could be maintained, it must be averred, and cannot be taken by intendment, or by adjectives and words of description like those which are here introduced.

There is one more point which in a case of this sort, perhaps, I ought hardly to submit to your Lordships. In the plea, after the allegation that the House of Commons ordered the attendance of the plaintiff, they proceed, "of which the plaintiff had notice." Now, my Lord, I apprehend that if they mean to bring the party into contempt by reason of non-appearance, they ought to allege that he was served with this order, and that it is not sufficient merely to say, "of which he had notice," which allegation might be proved by a gentleman in the country reading in a newspaper that the plaintiff was to appear at their bar on a certain day. It ought to state that he was served with a notice, and therefore I apprehend the ordinary allegation, "of which he had notice," is insufficient——

Mr. Justice *Coleridge*.—Do you mean personal notice?

Mr. *Kelly*.—That again, my Lord, would depend upon the practice of the House of Commons, of which your Lordships, of course, cannot be the judges. All I can say is, that it ought either to be averred that there was personal service, under the direction of The House, upon the party, or it ought to have been averred that by the usage and custom of the House of Commons, this kind of notice was sufficient; whereas, they do not even aver that the notice was according to the usage and practice of the House of Commons: and when we consider that, in order to bring a party into contempt in any of the Courts of Westminster Hall, or any other Court, he must be personally served, one does not see why, supposing the House of Commons not to be bound by the same rules, they ought not at least to have alleged that there was not personal service in the most direct manner, or that some other service took place which was according to the immemorial usage of the House of Commons; but neither is alleged; so that a party is to be imprisoned, brought up from his residence in Cornwall or Cumberland, and brought to the bar of The House, without having received any intimation at all from any officer clothed with authority from the House of Commons that he was ordered to attend them. These, my Lord, are small matters compared with the greater matter; but in a case of this nature I have thought it my duty to submit them to the Court. On the whole, I do submit to your Lordships, that this warrant, which is necesarily pleaded as the justification of the defendant, is no justification whatever, because it sets forth no offence, no duration, and no time; and further, that the defendant cannot, if that warrant be bad, resort to the averments in the plea, for the reasons I have submitted. But even if he can resort to the averments in the plea, and if your Lordships are, upon those averments, to be called upon to decide the question raised, I submit that your Lordships will not hold for the first time that the House of Commons possess the power of imprisonment claimed in these pleas, a power such as never has been recognized by judicial sanction, and never has even been claimed in any Court of Justice or by the House of Commons itself.

Argument.
15 November 1844.
Mr. *Solicitor-general.*

Mr. *Solicitor-general.*—My Lords, from the mode in which my learned friend Mr. Kelly has argued this case, I cannot help feeling the deepest anxiety in rising to defend the privileges of the House of Commons, which have been directly struck at by the course of my learned friend's argument, privileges which are admitted to exist, privileges which have been acknowledged and recognized from the earliest period, and which are absolutely essential to the public and the important functions with which the House is invested by the constitution; and I must here express the feeling which I entertain, that there appears to be a desire to strike down the acknowledged privileges of the House one by one, by appeal to the judicial tribunals of this country; and that I trust we shall find that protection here which, if we cannot obtain, it will be absolutely necessary that we should resort to the power of self-protection, which, however, I hope, in the result it will be found unnecessary to resort to.

My Lords, in arguing this most important question, I trust that I shall never forget the respect which I owe to this Court; but at the same time, I must firmly insist upon those privileges which I am here called upon to vindicate and to defend; and it is quite consistent with the respect which is due to this Court, and which I trust I shall always exhibit, that I should, in the strongest possible manner, insist upon those points which are absolutely essential for the vindication of the authority of the House of Commons.

My Lords, it is necessary that your Lordships should have your attention particularly directed to what it is that you are called upon to decide in this case; and I would therefore entreat your Lordships' patient attention, while I refer you more particularly to the averments which are contained in the pleas, and upon which your Lordships' judgment is now required. My Lords, the declaration discloses nothing more than a complaint of trespass and false imprisonment committed by the defendant, of whom of course, in that stage of the proceedings, your Lordships can know nothing. The defendant comes forward to answer that complaint, and then he alleges these matters as his justification, that certain matters and things came on to be discussed and debated, and were under discussion and debate in the House of Commons, in respect of and concerning which it was considered by the House of Commons to be necessary that the plaintiff should be questioned and examined at the bar; that it was ordered by the House, in pursuance of and according to ancient usage and privileges, that the plaintiff should attend the House forthwith; that of this the plaintiff had notice; that he would not attend, but that he wilfully and contemptuously, and without any reasonable cause or excuse, neglected, and refused, and disregarded the said order; that in order to compel the attendance of the plaintiff to be questioned and examined touching and concerning the matters and things aforesaid, it was ordered by the House, according to their ancient usages and privileges, and the law and custom of Parliament, that the plaintiff should be brought before the House in the custody of the serjeant, and that the Speaker should issue his warrant accordingly; whereupon the Speaker, in pursuance of the order, and according to the ancient usages and privileges of the House, and the law and custom of Parliament, by his warrant reciting the order, which was, that the plaintiff should be sent for in custody, required and authorized the defendant, the serjeant, to take into custody the body of the plaintiff; that the warrant was duly delivered, and so in execution of that warrant the defendant justifies the arrest.

Lord *Denman.*—He took him into custody for the purpose of bringing him to the bar of the House of Commons; that is stated also.

Mr. *Solicitor-general.*—Yes, my Lord, I am very much obliged to your Lordship. The second plea is similar to the first, but the third plea states, "that it was ordered in pursuance of and in accordance with the ancient usages and privileges of the House of Commons, and the law and custom of Parliament, that the plaintiff should attend the House of Commons forthwith to answer a charge which had been made against him in the House that he had been guilty of a contempt of the privilege of the House;" and then it proceeds in the same way as the first plea, that he would not attend, but that he wilfully and contemptuously, and without any reasonable cause or excuse, disregarded the order, and concealed and secreted himself; and in the fourth plea it is stated, that it was ordered by the House, in pursuance of the ancient usages and privileges, and by the laws and customs of Parliament, that the plaintiff should attend the House forthwith, that he

Argument,
15 November 1844.
Mr. *Solicitor-general.*

he had notice, and that he did not attend, but that he wilfully and contemptuously, and without showing any reasonable cause, neglected and refused to do so.

Now, my Lord, to this the plaintiff demurs; he does not dispute any of the facts which are stated in these pleas; he does not deny that there was an order of the House that he should attend, that he had notice of that order, that he did wilfully and contemptuously refuse to obey that order. He denies nothing whatever, but he demurs to the pleas as being insufficient in law; and it is absolutely necessary that I should call your Lordships' attention to the reasons which are assigned for this demurrer, in order that your Lordships may see the situation in which the House of Commons would be placed, supposing the plaintiff is right in the view which he has taken, and that these causes are sufficient to warrant the answer in law of the plaintiff. He says, in the first place, that the plea does not disclose sufficient authority for committing the trespass; that, although it admits the trespass, it does not show that the defendant was acting under any authority recognized by law; it does not show the nature of the matters and things with respect to which the plaintiff was to be examined, so as to enable the Court to judge of the necessity for his attendance, or that any act had been done to render it obligatory on him to attend, or to confer upon the House any legal power to pass the resolution; nor does the plea show any cause why the plaintiff was not entitled to conceal himself, or why, because he did not attend, he might be apprehended; nor does the plea state that the warrant contained any charge. And the demurrer to the third plea, in addition, states that the plea does not state upon what occasion or how the plaintiff had been guilty of contempt; so that all the facts being admitted by this demurrer, the plaintiff calls upon this Court to decide that the act which has been done by the House of Commons, which is admitted to have been done in pursuance of their ancient usages and privileges, and in accordance with the law and custom of Parliament, is an illegal act, and this in the most degraded, the most offensive, and the most contemptuous manner which can possibly be imagined.

Now, my Lords, under these circumstances I may well feel some anxiety as to the course of my argument, and the view which will be taken by your Lordships, and I proceed to address myself to the different points, as they are suggested by the replication in the margin to the pleas; because I think it is absolutely essential that I should clear my way by considering matters of vital importance before I proceed to the consideration of those three points which have been raised by my learned friend, Mr. Kelly. And, my Lord, the first ground upon which we mean most respectfully to insist before your Lordships is, that we have put upon the record a complete answer to the complaints. What has been alleged is this, that the defendant, being an officer of the House of Commons, is protected by the order of the House, directing him to do to the plaintiff the identical act complained of, and that such an order is of itself, and without more, an answer to the action.

Now, undoubtedly, the latter term of that proposition involves the consideration of the correctness of the judgment in the important case of Stockdale *v.* Hansard. My Lords, appearing as I do before this Court, and being bound to respect your Lordships' judgment, inasmuch as that opinion was delivered after a very able and lengthened argument, and after considerable deliberation on the part of your Lordships, who delivered that judgment, and inasmuch as afterwards, in the case of the sheriffs of Middlesex, your Lordships each expressed your approbation of that judgment, it would not be becoming in me, upon the present occasion, to enter into the consideration of the propriety of that judgment; I feel that I ought to treat it with that respect which I shall always exhibit to your Lordships, and to every Court before which I practice. But, at the same time, I must be permitted to say, that I must not be taken to be concluded by the judgment in that case; that I do firmly but humbly protest against that decision, in order that hereafter it may not be said that I have acquiesced in the propriety of that judgment; and if ever the matter should come before any other tribunal for determination, that it may be left entirely open to be questioned at a future day.

But, at the same time, I feel, my Lords, that this case most essentially differs from the case of Stockdale *v.* Hansard, and I should therefore not discharge my duty if I were not to call your Lordships' attention to the distinction which exists. If the case of Stockdale *v.* Hansard is carefully considered, it will be found that all that was discussed and all that was decided in that case amounts merely to this, that the mere declaration of the House that it possessed a particular privilege was not conclusive evidence of the fact. There was no allegation in the plea in that case,

Argument.
15 November 1844.
Mr. *Solicitor-general.*

case, that that which was then claimed was an ancient usage or a privilege of the House. The demurrer admitted no more than this, that the publication was by authority of the House, and that the House had resolved that it was possessed of that authority; and I should wish to call your Lordships' attention to the observations which were made by some of your Lordships upon the occasion of delivering the judgment in that case. Mr. Justice Littledale says: "I think that the mere statement that the act complained of was done by the authority of the House of Commons is not of itself, without more, sufficient to call at once for the judgment of the Court for the defendants. The defendants have not pleaded to the jurisdiction of the Court, but have pleaded in bar generally, and so as to raise a question of law or of fact, according as the plaintiff chooses; and I think that this Court is not estopped from investigating the question of law raised by the demurrer to the plea in this action; and I think we are to inquire whether the act of publication has anything to do with the privileges of the House; and if it has, then whether those privileges connected with the authority given to the defendants, amount to a justification. In the case of Burdett *v.* Abbot, no question was made as to the Court being precluded from investigating the law of the case; they heard very long and laborious arguments, and gave judgment for the defendant. And so also we are at liberty here, and we are not shut out from hearing the arguments and giving such judgment as we consider to be according to law. But it is said that the question of the privilege of the House of Commons comes directly before the Court upon the pleadings, and that therefore, upon all the authorities, it is quite clear it is not competent to this Court to inquire into the question of privilege, and it is said that it is, in effect, the same case in principle as Burdett *v.* Abbot, and that it was there held that the defence being founded upon the order of the House to do the thing complained of, raised the question of privilege directly, and that the Court could not investigate the legality of that order. But this differs very materially from Burdett *v.* Abbot. That was an action against the Speaker himself, for an act done by him in the House. The act done by him was to commit an individual whom the House adjudged to be guilty of a contempt to the House, and who had been for that ordered to be taken into custody, and there was a specific order of the House as to the particular thing to be done; but this case is altogether different; these defendants are not Members of the House, but agents employed by them; the plaintiff is a perfect stranger to the House, he has been guilty of no insult or contempt of the House, and there is no order of the House applicable to him." I point particularly to the expressions used by Mr. Justice Littledale, as showing a distinction between the present case and the case which then came before the Court.

So, my Lord, Mr. Justice Patteson says, "Upon the whole, the true doctrine appears to be this, that every court in which an action is brought upon a subject-matter generally and *primâ facie* within its jurisdiction, and in which by the course of the proceedings in that action, the powers and privileges and jurisdiction of another court came into question, must of necessity determine as to the extent of those powers, privileges and jurisdiction; that the decisions of that court whose powers, privileges and jurisdiction are so brought into question as to their extent, are authorities, and if I may so say, evidences in law upon the subject, but not conclusive."

And Mr. Justice Coleridge in page 217, says, "We are now, however, called upon to abstain from all inquiry in a case in which the existence of the law is not substantively alleged in the plea (for as the House, it is admitted, cannot make the law, the resolution declaring it, is only evidence of its existence, and not an allegation of it), where it does not appear that the particular facts have ever been adjudicated on, and where the particular order under which the act complained of was done, is not distinctly brought within the law as said to have been declared."

My Lord, I should say, then, that it is quite clear that even admitting the authority of that case, it does not apply to the present, in which it is expressly alleged that the act done was an act specifically ordered by the House, and in which the act done is also alleged to be in pursuance of their ancient usages and privileges, and that in such a case it is impossible to say that the question of the existence of the privilege being admitted by demurrer upon the record, does not come directly before your Lordships for adjudication. And then I would call your Lordships' attention to the emphatic language of Mr. Justice Bayley, in the case of Burdett *v.* Abbot, in which he says, "Now, as it appears to me, the very object of this action

Argument.

15 November 1844.

Mr. *Solicitor-general.*

action is to make a direct attack upon the judgment of the House of Commons, and to bring that matter, and that matter only, into question, and would it not be absurd to say, that though we cannot discharge the party committed from his imprisonment, because that would be directly arraigning the judgment of the House, yet that he shall have an opportunity of recovering by action full satisfaction for lying in prison, and that in giving such satisfaction, the judgment of the House is left where it was. But it seems to me that the giving the party full satisfaction for his imprisonment is, in legal contemplation, to do away all the punishment he has received; and if that be not bringing into question again the judgment of the House, I cannot understand how the point can be more directly brought into question." Your Lordships therefore now are appealed to emphatically in this case where the privileges of the House of Commons come directly in question before your Lordships; where they are admitted to exist; where the particular act which is brought into question is alleged to have been done by the authority of the House. Your Lordships are called upon now by the plaintiff to take a further step in the same direction as the case of Stockdale *v.* Hansard, and to decide that your Lordships have the power to question that act which has been so done by the House of Commons, and as a Court of appeal, to determine the legality of that act so alleged and so admitted.

Now, my Lords, I would wish to postpone the consideration of that part of the first proposition to which I have called your Lordships' attention, namely, the protection which the officer, the Serjeant-at-Arms, would receive from the warrant which was directed to and delivered to him, until I have considered the other matters of infinitely more importance in this case; because I confess I should very deeply regret that your Lordships should ultimately decide this great question upon a point so insignificant and of such minor importance as that. I desire now that we are brought here before your Lordships, that the whole matters may be fully considered: I would therefore pass on, my Lords, to the second objection.

Mr. *Kelly.*—Have you a copy of these points? I have never seen them.

Mr. *Solicitor-general.*—There was no application ever made for them.

Mr. *Kelly.*—I understand there was, but I do not wish to raise any question about it, but I should be obliged if you would furnish me with them.

Mr. *Solicitor-general.*—Now, my Lords, the second point to which your Lordships' attention will be directed is this; that it is alleged in all these pleas, and admitted by the demurrer, that all the proceedings against the plaintiff, including the order for his apprehension, the issuing of the Speaker's warrant, and the actual arrest, were in accordance with the ancient usages and privileges of the House, and the law and custom of Parliament. It is, therefore, we contend, impossible for your Lordships to give judgment against the defendant upon this record, without deciding that the House of Commons has no legal right to exercise its admitted powers and privileges.

Now, my Lord, whatever may be the extent of the admission which is made by the demurrer which is put upon this record, with regard to the actual existence of the privileges of the House of Commons, there can be no doubt at all, I apprehend, that there is a distinct and direct admission that all the proceedings were in pursuance of the ancient usages and privileges of the House, the privileges which are claimed by the House and exercised by the House; and my Lords, in the case to which I have already referred, of Stockdale *v.* Hansard, Mr. Justice Patteson puts this very point. In page 204 he says: "Now with respect to the exercise of the power in question, I conceive that such exercise is matter of history, and therefore that the observation of Mr. Attorney-general, that he ought not to be called upon in arguing a demurrer to prove matter of fact, is not well founded. If indeed the plea had stated that the Commons House of Parliament had been used to exercise this power, the demurrer would have admitted the exercise; but no such averment appears upon the face of the plea, and the historical fact of the exercise of the power is introduced by the defendant's counsel himself, in order to argue them, that the power must be legal." And in page 240, Mr. Justice Coleridge, following out the same view, says, "We have been obliged in this case to refer to what looks like evidence in fact in order to ascertain the law, and evidence naturally bears with a different weight on different minds." Therefore, my Lords, we have in this case that which was wanting in the case of Stockdale *v.* Hansard, because there was no allegation at all that

Argument.
15 November 1844.
Mr. *Solicitor-general.*

that it was an ancient usage or privilege of the House. If there had been any such allegation in the plea, it is admitted by Mr. Justice Patteson that the demurrer of that plea would have admitted the existence of the privilege; and I apprehend, adverting to one of the lighter and minor points which my learned friend has urged upon this occasion, that the existence of this right of sending for a witness, or of sending for any person who can give information to the House of Commons, as being one of the ancient usages and privileges of the House, is sufficiently averred in our pleas, and the mode in which it is averred is not made the ground of any special demurrer. I apprehend, therefore, that it would be a sufficient averment, either upon a general demurrer, or after verdict, that those ancient usages and privileges existed; and if it be so, if there be a sufficient averment to that effect, then, I apprehend, according to the authority of Mr. Justice Patteson and Mr. Justice Coleridge, in the case of Stockdale *v.* Hansard, the demurrer admits the existence of those privileges.

Then, My Lord, I should here take my stand, and I should respectfully ask your Lordships whether you are prepared now to say that in a case of this description, where the ancient usages and privileges of the House are distinctly and sufficiently averred, and where those ancient usages and privileges are admitted to exist by the demurrer which the plaintiff has put upon the record, your Lordships think that that decision in the case of Stockdale *v.* Hansard is an authority that your Lordships have the power to consider, and to question the exercise of this ancient usage and privilege, or whether your Lordships are not prepared to say, that however you may adhere to the judgment in that case, from the mode in which the question there was raised and submitted to you, this is a totally different case, and that your Lordships have no power to question the exercise of any acknowledged privilege which the House of Commons possesses.

But, My Lords, if your Lordships should feel that you ought not to interpose in this stage of the argument, and if your Lordships should be of opinion that you are competent to decide upon the question so submitted—not generally, as to the existence of prviileges which are not averred and admitted, but as to the exercise of a privilege which is averred distinctly, and which is admitted—then I would proceed to call your Lordships' attention to the third point in this case, and to prove by reference to those sources of authority to which we are referred upon questions of this description, that the House of Commons most unquestionably does possess the different privileges or powers (call them which you please) which are alleged in these different pleas, and that they have been exercised from the earliest period down to the present moment, until this case, without any question.

Now, My Lord, the third point therefore is this: the power claimed by the House of Commons in each of those pleas; namely, the first power claimed in the first and second pleas, of compelling all persons to attend the House to be examined upon any matter the House may think fit; and secondly, the power claimed in the third plea, of compelling the attendance in the House of all persons charged with having committed contempt of the House; and thirdly, the power claimed in the fourth plea, of compelling the attendance of all persons in the House without assigning any cause or reason for requiring such attendance, are ancient privileges and powers of the House of Commons, given to them by the law and custom of Parliament, and are absolutely necessary for the due performance of their functions.

Now, my Lords, this of course brings me to the third question which has been raised by my learned friend, Mr. Kelly; and if I understand him correctly, my learned friend says this: the House of Commons may have the power to summon a witness to attend before them to give evidence, either before the House or before a Committee, but if the witness does not attend, they have no power whatever to compel that attendance for the purpose of examination. All that they can do is to pursue the course which is adopted in a court of law upon the subpœna of a witness, that if he refuses to attend, attachment may issue against him for contempt; and my learned friend has been rather bold in some of the assertions which he has made in this part of his argument, and in the challenges which he has thrown out for authorities upon the subject of those assertions; and I trust that I shall satisfy your Lordships that it is only by anticipating that by possibility the different sources of information would not be searched for the purpose of examining the subject, that my learned friend could have ventured to make the statement which he has made with regard, not merely to the powers of the House of Commons, but with regard even to the powers of courts of justice themselves.

Now,

Argument.

15 November 1844.

Mr. *Solicitor-general.*

Now, my Lords, just let us see for one moment what a futile power that would be which is conceded to the House of Commons by my learned friend arguing for the plaintiff. I apprehend it will not be denied by my learned friend that the House of Commons has the power to originate inquiry in matters of public moment, but that for the purpose of obtaining information to assist them in the discharge of the functions with which they are entrusted by the constitution, that they have the power at least to require the attendance of persons before them, to give the requisite information. But the plaintiff alleges that they have no power to require the attendance of any one unless they inform him what is the matter or thing upon which they require his attendance; and my learned friend says, they have no power whatever to compel the attendance of a party; that if the party should refuse to obey what would amount, under these circumstances, to a mere request on the part of the House of Commons for information, they are utterly powerless; that they cannot compel the party to appear before them, but that they can only proceed as the ordinary courts of law do, by issuing an attachment against the party for non-obedience to a subpœna.

Now just let me for one moment distinguish between the functions of a court of justice and those of the House of Commons. Your Lordships are not a court of inquiry; you cannot originate any investigation of any matter, however important it may appear to your Lordships, but your Lordships' jurisdiction must be brought into exercise either by application being made by some party to your Lordships, or by a suit at law commenced by that party. Your Lordships do not summon witnesses here to give you information; you enable the party to compel the attendance of a witness, in order that he may give information in a suit which the party has instituted, and your Lordships have no power in that particular suit, if the witness does not attend, to send your warrant forth to compel him to appear in court; but your Lordships will consider that his non-appearance is a contempt of your Lordships' process, and you will either attach him in consequence of the contempt, or the plaintiff or party who has suffered from the absence of the witness may proceed against him, and may obtain damages in consequence of his disobedience to the subpœna.

My Lords, just let us see in what terms the authority of the House of Commons is spoken of in this respect by the different authorities to which I shall now refer your Lordships. In Coke's 4th Institute, p. 11, it is stated, "The Commons being the general inquisitors of the realm, have principal care in the beginning of the Parliament to appoint days of Committees, namely, of grievances both in the church and commonwealth, of courts of justice, of privileges, and of advancement of trade."

In page 24 your Lordships will find this striking passage, "If any Lord of Parliament, spiritual or temporal, have committed any oppression, bribery, extortion, or the like, the House of Commons being the general inquisitors of the realm (coming out of all the facts thereof), may examine the same, and if they find by the vote of the House the charge to be true, then they transmit the same to the Lords, with witnesses and proofs."

Now this power, my Lord, was admitted to exist by Mr. Erskine and Mr. Warren, in arguing the case of the The King *v.* Wright, in 8th Term Reports, p. 295. They were there arguing against the power of the House of Commons: "Though the House of Commons may be invested with a right of examining into the existence of high crimes, either for the purpose of impeaching an individual, or of making new laws, it is evident," they say, "that the inquiry in this instance could not have been made for the purpose of impeaching Mr. Horne Tooke, since he had been before legally acquitted of the charge;" and Lord Kenyon says, "But the inquiry made by the House of Commons was an inquisition taken by one branch of the Legislature to enable them to proceed further, and adopt some regulations for the better government of the country."

My Lords, in the case of Burdett *v.* Abbot, which has been referred to by my learned friend, Mr. Kelly, in page 136, Lord Ellenborough says this: "The separation of the two Houses seems to have taken place as early as the 49th of Henry 3, about the time of the Battle of Evesham, for I think it is at that period that the first return of knights, citizens, and burgesses, is to be found, and that separation was probably effected, and previously sanctioned, by a formal Act for that purpose by the King and Parliament, as originally constituted; at any rate the very first subsequent Act of Parliament, acting in the two Houses conjointly with the King, operated as a formal recognition of an antecedently authorized

Argument.
15 November 1844.
Mr. *Solicitor-general.*

separation of Parliament into the two Houses, in which they then and have since sat. The privileges which have been since enjoyed, and the functions which have been since uniformly exercised by each branch of the Legislature, with the knowledge and acquiescence of the other House and of the King, must be presumed to be the privileges and functions which then, that is, at the very period of their original separation, were statutably assigned to each. The privileges which belong to them seem at all times to have been, and necessarily must be inherent in them, independent of any precedent; it was necessary that they should have the most complete personal security to enable them fully to meet for the purpose of discharging their important functions; and also that they should have the right of self-protection. I do not mean against acts of individual wrong, for poor and impotent indeed would be the privileges of Parliament if they could not also protect themselves against injuries and affronts offered to the aggregate body, which might prevent or impede the full and effectual exercise of their Parliamentary functions."

My Lords, the next authority upon this subject to which I refer your Lordships, is the Report of a Committee of the House of Commons in the year 1771, which will be found upon the Journals of the House. And here I shall take occasion to remark upon the observation which my learned friend has made in the course of this part of his argument. Says my learned friend, "Show me that the House of Commons has ever possessed this privilege or power for which you contend. Do not show it," says my learned friend, "from the Journals of your own House; show me that it has been recognised by some judicial decision, or else I shall consider it no sort of authority." My learned friend says he did not add those words. The observation he made was undoubtedly equivalent to them: "Do not search the Journals of your own House to inform me of its privileges; show me the privileges sanctioned and recognised by judicial authority."

Now, in the first place, my learned friend, who has been examining the different authorities upon this subject, has, I have no doubt, stumbled upon this passage of my Lord Coke, in page 23 of his 4th Institute, in treating of the power of judicature which the House possesses, to which I shall by-and-by refer your Lordships. He says, "But the handling hereof according to the worth and weight of the matter would require a whole treatise of itself; and to say the truth it is best understood by reading the judgments and records of Parliament at large, and the Journals of the House of Lords, and the book of the Clerk of the House of Commons, which is a record, as it is affirmed by Act of Parliament in anno 6 Hen. 8, c. 16."

So that Lord Coke, my learned friend's great authority, sends us to these very Journals as the sources from which information is to be derived with reference to the extent of its privileges; sources which my learned friend repudiates upon the present occasion, and requires us to show some judicial sanction or recognition for their existence. Why, my Lords, suppose they have been always acknowledged; suppose they have been invariably exercised; suppose no one ever thought of questioning them. How, under such circumstances, can there be any judicial recognition of them? And I apprehend that this power which we are now insisting upon, is one that, until the present moment, has never been questioned, but upon which I admit a very bold assault has now been made by my learned friend, Mr. Kelly, who denies the possibility of the existence of such a power, which I will show your Lordships has been recognised in the manner that I have stated.

Now in this Report the Committee refer to the Journals as their authority, and they say, "In this place the Committee beg leave to observe, that it appears to them that this House has, from the earliest times, asserted and exercised the power and authority of summoning before them any commoner, and compelling his attendance;" and there are forms and authorities in the margin which fully bear out that assertion.

Mr. *Kelly*.—What do you quote from?

Mr. *Solicitor-general*.—From the Report of the Committee on the Publication of Printed Papers, in which there is the Report of the Committee of 1771 upon Brass Crosby's case.

Mr. *Kelly*.—What is the date?

Mr. *Solicitor-general*.—The 3d of May 1837, page 143 of Appendix (B.), and it is in Brass Crosby's case. Now, I presume that my learned friend will say, "Oh, but this is in fact declaring your own private authority, and therefore is of no force and validity whatever. You may usurp these powers; you may declare that you

Argument.

15 November 1844.

Mr. *Solicitor-general.*

you possess them; but that is no satisfaction to my mind that these powers are unquestionably belonging to you." Now, what will my learned friend say to the decisions of the courts of law with regard to their own powers?

In the case of The King *v.* Davison, the defendant, being indicted for a blasphemous libel, in the course of his defence, made some remarks which the learned Judge who tried the defendant considered improper; he ordered him to desist; the defendant, however, still pursued the same course, and the learned Judge fined him 40*l.* Again he pursues the same course, and an additional fine was imposed; ultimately fines to the amount of 100*l.* The power of the learned Judge to fine him was brought into question before this Court. It was admitted that there was no authority whatever for a Judge having fined before, where it had been decided by this Court; but the Court decided, that although the power had never been exercised, and although, therefore, there was no judicial recognition of that power, yet that the Judge had the power to fine, and this Court expressed its sanction of the course adopted by the learned Judge. That is The King *v.* Davison, in 4th Barnewall and Alderson, p. 329.

It seems that upon that occasion the Court of Common Pleas directed that a person should be set in the pillory for a contempt of the Court, and if that matter had been brought before the Court, of course the Court would have said, "Although we cannot pretend to say that this power has ever had any judicial recognition or sanction, yet unquestionably we possess this power, we possess all the power which is necessary for punishing contempts;" and if that be good law in a question as to the exercise of the power by this Court, or by any other Court, then, I do not say *à fortiori*, but I will say, at least, it is good law with regard to the resolutions of the House of Commons, it having been generally considered that they have the power of deciding upon their privileges, and determining the extent of them.

Now, my Lords, in this very case of Stockdale *v.* Hansard, there is the strongest recognition which can possibly be imagined by one of your Lordships of this very power which is denied by my learned friend. I will take first of all the judgment of my Lord Denman. My Lord Denman admits the existence, in page 150, of the inquisitorial functions of the House, "The most advisable course of legislation on the subject is wholly unconnected with these facts;" (the facts which the House of Commons were ascertaining in that case) "the inquisitorial functions would be exercised with equal freedom and intelligence, however there they were found." And then he says, "The proof this privilege was grounded on three principles:" First, the proof of necessity. His Lordship says, "If the necessity can be made out, no more need be said; it is the foundation of every privilege of Parliament, and justifies all that it requires."

Now what does Mr. Justice Littledale say: in page 168, he says, "There is no doubt about the right, as exercised by the two Houses of Parliament, with regard to contempts or insults offered to the House, either within or without the walls; there is no doubt, either, as to the freedom of their Members from arrest, or of their right to summon witnesses, to require the production of papers and records, and the right of printing documents for the use of the members of the constituent body, and as to any other thing which may appear to be necessary to carry on and conduct the great and important functions of their charge."

Mr. Justice Patteson is even stronger than this. In page 209, he says this, "In all the cases and authorities from the earlier times hitherto, the powers which have been claimed by the House of Commons for itself and its Members in relation to the rest of the community, have been either some privilege, properly so called, that is, an exemption from some duty, burthen, attendance, or liability, to which others are subject, or the power of sending for and examining all persons and things, and the punishing all contempts committed against their authority." And then he says, in page 213, "The House is armed with ample powers to send for all persons who can give them information, either before a Committee or at the bar of the House."

Now what is the meaning of the terms, "armed with ample powers to send for" those parties? According to my learned friend, all that they can do is to request the party to come, that is, to summon him, in other words. If it cannot be enforced it is a mere precarious request for information, to request that the party will attend, and if he does not attend, they cannot enforce the due performance of the inquisitorial functions with which they are entrusted by the constitution, by

Argument.
15 November 1844.
Mr. *Solicitor-general.*

compelling the party to appear before them, and to give the requisite information, but they are utterly helpless with regard to the information which they require; and all, according to my learned friend, that they are enabled to do, is to attach the party, and to make an order that he has been guilty of contempt, and that when that order has been regularly made, then they may attach him for that contempt.

Now just for one moment will your Lordships consider what would be the situation of the House of Commons, provided either view be adopted: either that of the plaintiff, that no person can be summoned to attend without being informed of the purpose for which he is required; or that of my learned friend, that the party is not compelled to attend as a witness, although he may be attached for his contempt if he does not attend. Just consider in what situation the House of Commons would be with respect to the exercise of its acknowledged and recognized functions——

Mr. Justice *Coleridge.*—I did not understand Mr. Kelly to say that the summons must state what the party is to be examined upon.

Mr. *Solicitor-general.*—No, that is what the plaintiff alleges in his demurrer. I take the two grounds. I say, if either what the plaintiff alleges, namely, that he must be informed of the object for which his attendance is required, or if my learned friend's proposition be correct, that the House has no power to compel the attendance of a party for the purpose of giving the requisite information, just consider the situation in which the House of Commons would be under either of these two predicaments. Suppose the House has information of the existence of a treasonable conspiracy, or it may be a threatened invasion, the House is clearly clothed with powers to make an inquiry upon those subjects of grave importance to the kingdom; there may be, as there has been repeatedly, an address from the Crown directing an inquiry of this description. They want to obtain information from a person who may himself be steeped in the conspiracy, and the proposition contended for by the plaintiff is this, that they cannot summon any person to attend the House. It is clear my learned friend would contend that they cannot send at once for that person and compel his attendance, but that there must be a previous summons, and they must inform him of the object for which they require his attendance; in other words, give him notice to abscond as quickly as possible, and save himself from the consequences which would be very likely to follow from his attendance, and the information he gave.

Mr. *Kelly.*—I have not contended for that. It is stated as one of the special grounds of demurrer, upon which I have made no observation.

Mr. *Solicitor-general.*—That is very true; but I cannot allow these matters to appear upon the record of this Court without observing upon them, and I felt it my duty to distinguish between the argument which my learned friend Mr. Kelly has addressed to your Lordships, and the proposition which is alleged by the plaintiff as one of the grounds of demurrer.

But, my Lords, clearly my learned friend contends this, that he must have notice; that the House could not send for the person immediately and compel his attendance: and my learned friend says this. I will venture to say, from the earliest period down to the latest, there never will be found any authority for saying this, that even in cases of contempt the House of Commons has ever sent by what he called mesne process—has ever sent to compel the party to attend under process of that description in the first instance.

Now, my Lords, I would turn to some authorities which are found in Hatsell, to which, I take for granted, that my learned friend has referred; and I really must express my perfect astonishment at the boldness of my learned friend's assertion in this respect. Your Lordships are perfectly aware that in the earliest times no warrant at all was ever issued by the House of Commons. If the House of Commons required the attendance of any one, they sent their mace, and the mace was always considered to be a sufficient authority to compel the attendance of any individual whose presence was required in the House. But now, when my learned friend makes this assertion, I opened almost casually, Hatsell. My learned friend's assertion is this, that there is no authority for saying that the House of Commons has ever, even upon contempt, sent an attachment in the first instance by what he calls mesne process to compel the attendance of the party. Now I will turn to the year 1575, from Hatsell, and there this will be found in the Journals of the House. On the 29th of February 1575, "Mr. Bainebrigg complains that one Williams has assaulted and threatened him,"—Mr. Bainebrigg was

Argument.

15 November 1844.

Mr. *Solicitor-general.*

was a Member of the House—" upon which the serjeant is ordered to go directly for the said Williams, that he may answer to the House of such matters as shall be objected against him; and the same day, Williams being brought to the bar, and confessing that he did strike Mr. Bainebrigg, it is ordered that he do remain in the serjeant's ward till the order of the House be further known to-morrow." And then, Mr. Hatsell says, " But I do not find any entry of any further proceeding."

The same mode of proceeding was adopted in a similar case, when upon the 1st of February 1580, " Mr. Norton complains that two porters had misused him in his attendance on the service of the House. The serjeant is ordered immediately to fetch them; when they, being at the bar, and charged with their misbehaviour, and rather excusing than submitting themselves, and the matter being proved by evidence, they are both committed to the serjeant's ward till further order, but that the serjeant may, in the meantime, set one of them, who was only a servant to the other, at liberty, upon his submission, if he thinks fit. On the 3rd of February the porter of Serjeant's Inn (the master), prisoner at the bar, is upon his humble submission, and acknowledging his fault, remitted and set at liberty, paying his fees."

Now I really think I should be unnecessarily wasting your Lordships' time if I were to refer at length to the authorities in favour of this course of procceding which my learned friend has in such distinct and positive terms stated there could be no authority whatever for the existence of.

I will go a little later: " On the 7th of November 1601, the servant of Mr. Coke, a Member, being arrested on a bill of Middlesex, the serjeant was sent to Newgate to bring the prisoner immediately to the House; and on his being brought to the bar with his keeper attending him, he is, by order of the House, discharged from his said keeper and from his said imprisonment; and Robinson, the party at whose suit he was arrested, was brought by the serjeant to the bar, and, being reprimanded, was discharged, paying his fees."

Then, without fatiguing your Lordships, I would refer you to the pages of Hatsell (which are compiled from the Journals of the House of Commons), pages 172 and 173: I observe here that, " On the 29th of November 1621, subpœna was served on Mr. Bruerton; Napper, who served it, is ordered to be sent for by the serjeant; on the 30th a warrant for this purpose is given to the serjeant, and also against one Minott, who had likewise served a citation on Mr. Bruerton." And your Lordship will find that page 189, page 195—in short, almost every page is full of instances of that mode of proceeding which is utterly denied by my learned friend, and for which he says no authority can possibly be produced.

Now I will just refer your Lordship to page 203. Your Lordships are aware that these authorities come down no later than 1641, and Mr. Hatsell assigns a reason for it. In page 203 (I thought it was more convenient to read it from Hatsell, instead of bringing the Journals of the House of Commons here): " On the 22nd of April 1628, one Pemberton, a brewer, was ordered to attend. On the 25th the Speaker informs the House that he said he would not come. Upon question, to be presently sent for by the serjeant, but on the 30th he is discharged, the words being denied and not proved." Now here is an express authority for this particular case.

Now my Lords, can it therefore be denied with any shadow of reason or propriety that this power of compelling the attendance of witnesses, is a power which is unquestionably possessed by the House of Commons. It is admitted by all the authorities. It is essential for the due performance of their inquisitorial functions. Without being, as Mr. Justice Patteson says, armed with all powers to compel the attendance of witnesses, it would be utterly impossible for them to exercise those functions. They could not obtain information upon compulsion, they would be reduced, upon every occasion, to a mere precarious request for information from the persons from whom they understood it was to be obtained. Therefore, my Lords, looking to what you have already decided upon this matter, now that the very question is raised—now that the very objection is taken—now that you are called upon expressly to find against the legality of the act, upon the ground of these powers not belonging to the House, can I doubt for one moment that your Lordships will come to the conclusion, that if you can enter into the consideration of the question at all, you must decide in favour of the legality of this act?

My Lords, before I close the observations which I have made upon this part of the case, I would merely advert to a remark of my learned friend Mr. Kelly, that this

Argument.
15 November 1844.
Mr. *Solicitor-general.*

this is a power which is wholly unknown to the law. Why, it is not a settled point by any means that even a magistrate in a criminal court may not have the power to compel the attendance of a witness to be examined by warrant; for in the case of Evans *v.* Rees, which is in 12th Adolphus and Ellis, page 59, Lord Denman says, "I throw no doubt on the power of a magistrate to do all that is necessary to compel the attendance of those witnesses whom he knows to be material." Now, why is that?

Lord *Denman.*—That is with reference to some former case where it was held that he had the power.

Mr. *Solicitor-general.*—Yes, My Lord. Now, why is that? The reason why a magistrate would have the power is, because the inquiry into a criminal charge originates before him, and because it is necessary for the due performance of his functions. Can it be said, then, that it is less necessary for the important assembly whose previleges I am now defending that they should have the power of compelling the attendance of persons who can give them information to enable them duly to discharge their duty to the country?

Lord *Denman.*— How is it with a coroner?

Mr. *Solicitor-general.*—The coroner, I believe, frequently does issue his warrant to compel the attendance of witnesses. I do not know whether that power has ever been questioned.

Lord *Denman.*—It must be very essential in the performance of his duty.

Mr. *Solicitor-general.*—I ought to have read a little further in this case of Evans *v.* Rees. Your Lordship says, "Here if the warrant had merely recited the witness's refusal to attend, and directed the constable to bring him, there might not be much doubt that it would have been justifiable."

Mr. Justice *Coleridge.*—This warrant does not direct him to attend.

Mr. *Solicitor-general.*—That is not the point I am at present upon, upon the power to compel attendance.

Lord *Denman.*—I want to know a little more about the power of the common law courts as to witnesses. Suppose a person was here in attendance under subpœna or consent; and supposing he left this Court contumaciously, being told that he was expected as a witness, but that he thought proper to go; and I was sitting here at nisi prius, and was informed that he was in Palace Yard; under these circumstances what power would the Court have?

Mr. *Solicitor-general.*—I do not know what power your Lordship could have further than to attach the party for contempt.

Lord *Denman.*—Should I let the course of justice be obstructed by his absence? Must I suffer him to go, knowing that he is within reach of my officers?

Mr. *Solicitor-general.*—I think that your Lordship ought to have the power, and that justice would be defeated if you had not the power; but I am not aware of any occasion upon which it has ever been exercised.

Lord *Denman.*—The practice of the courts rests entirely upon subpœna and recognizance now; but as to the actual power of the Court, I think very considerable doubt might be raised at least.

Mr. *Solicitor-general.*—I proceed, therefore, to consider the next point, which is this: The plaintiff having contemptuously refused to obey the order of the House, which they had by law jurisdiction to make, was liable to be attached and brought before the House in custody, by a warrant in the form sanctioned by the practice of the House. The warrant in this case was in that form.

Now, my Lords, in this stage of the argument I would particularly press this upon your Lordships' attention, that the plea admits that the warrant was issued in accordance with the ancient usages and privileges, and the law and custom of Parliament; but in his causes of demurrer the plaintiff says that the plea does not state that the warrant contained any charge against the plaintiff, or showed why or wherefore he was to be apprehended. And upon this part of the case I must advert to some observations which were made by my learned friend, Mr. Kelly. He says that your Lordships are not to presume anything against the House of Commons, but that you are at the same time not to presume anything in favour of the House of Commons. My Lords, I utterly deny the first proposition which is maintained by my learned friend. I say that when you are here considering the exercise of an admitted ancient usage and privilege, your Lordships not only may, but I say it most respectfully, that you are bound to make every favourable construction on behalf of the House of Commons exercising that power; and when my learned friend talks of this Court holding a tight hand over the officers of the House of Commons, to say the least of it that language, is of a description

to

Argument.
15 November 1844.
Mr. *Solicitor-general.*

to which I am a little unaccustomed, and I think it might as well have been spared. Your Lordships will presume, in the exercise of ancient usages and privileges of the House, everything in their favour. This warrant is admitted to be issued according to the ancient usages and privileges. I apprehend that if your Lordships are called upon to make a presumption in this case at all, the presumption must be in favour of the validity of the warrant; and I venture to maintain this proposition before your Lordships, that unless my learned friend can satisfy your Lordships that this warrant is contrary to usage and practice, that it is not in accordance with the course of the House of Commons, my learned friend utterly fails in maintaining any objection whatever to the validity of that warrant.

Mr. Justice *Wightman.*—The warrant in terms is to take him into custody; now that, as stated in the plea, was issued according to the usages and privileges of the House; but how will that authority, the only authority under which the defendant acts, authorize him in doing more than taking him simply into custody?

Mr. *Solicitor-general.*—My Lord, can it for one moment be doubted that when there is an order of the House that a party shall be taken into the custody of the Serjeant-at-Arms, which order is recited in the warrant, and the warrant following that order desires the serjeant to take him into custody, can there for one moment be any serious doubt entertained that that is a warrant in pursuance of the order to do the act which the order directed? But, my Lords, I was about to advert to this: this is admitted to be a warrant issued in pursuance of the ancient usages and privileges of the House. Are your Lordships prepared to say this, that the House of Commons has no power whatever to lay down any rules for the regulation of its own practice?

Mr. Justice *Coleridge.*—Do you read the plea as averring that the warrant in this form was issued according to the usages of the House?

Mr. *Solicitor-general.*—It is not at all necessary that I should go to that extent.

Mr. Justice *Coleridge.*—I want to understand your argument.

Mr. *Solicitor-general.*—I might contend that, inasmuch as it not expressly denied that the warrant was in accordance with the ancient usages and privileges of the House, I might contend that the demurrer might be admitted in proof that it was in accordance with these ancient usages and privileges; but at present I am not arguing to that extent.

Mr. Justice *Coleridge.*—You only mean that the fact of issuing the warrant was in accordance.

Mr. *Solicitor-general.*—I mean that the fact of issuing the warrant in accordance with the ancient privileges and usages of the House, in any view of the effect of the demurrer, must be taken to be admitted. Then just let me call your Lordships' attention to the position in which we are placed. In arguing this matter before your Lordships, can anybody doubt, with regard to the warrant itself, that it was the very authority to do the act which had been directed by the House? Then what was the ancient form? The House ordered that the person should be brought in custody of the serjeant. It does not appear that originally there was any written warrant at all; the mace itself was considered as sufficient, and the mace compelled the attendance of the party. When the form of sending for the party merely by the mace was altered into a written warrant, which was signed by the Speaker, are your Lordships about to decide in this case that it was not competent to the House of Commons to declare in what form the warrant should issue? Are your Lordships to take the narrow, and, if I may be permitted to use the expression, the degrading analogy which is offered to your Lordships by my learned friend Mr. Kelly? Are these warrants of the House of Commons to be scanned and scrutinized like the warrants of a magistrate or some inferior officer over whom this Court has jurisdiction? In what way are your Lordships to take cognizance of this question which is now submitted to you as a cause of demurrer to the plea? Is it alleged that it is not in conformity with the practice of the House? No. Well, if it is not alleged that it is not in conformity with the practice of the House, must not your Lordships assume that it is? Why should your Lordships go out of your way in the direction in which you would be led by my learned friend to compare the form of the warrant with those particular forms with which your Lordships are more familiar, emanating from inferior jurisdictions, over whom your Lordships undoubtedly have control? My Lords, I say with the utmost respect that I will not, on behalf of the House of Commons,

Argument.

15 November 1844.

Mr. *Solicitor-general.*

mons, argue this question upon the low ground upon which it has been put by my learned friend; that I will not submit to have a degrading comparison instituted between the warrants of justices of the peace and a warrant emanating from one of the supreme assemblies of the land.

My Lords, by what practice is this to be tested? Is it to be tested by the practice of the Court? Suppose your Lordships were to lay down a rule with regard to the form in which your writs of attachment should issue; and suppose that from time to time your Lordships should do, what unquestionably you have the power to do, that you should modify and change the form of those writs? Suppose it should happen that that form so altered should differ from the form which was used in another court; and suppose that the question as to the validity of the form used in another court was to be brought before your Lordships upon the return to a habeas corpus, or in an action, would your Lordships scrutinize the practice of the other court, a court of co-ordinate jurisdiction, and because the practice of that court happened to differ from the practice of your Lordships' Court, would your Lordships decide that the practice was erroneous and bad? And yet upon the present occasion you are called upon to decide that against the validity of a practice of the House of Commons; a practice which I think there is every reason to conclude has been that which has been adopted from the earliest period when any records of their proceedings appear which is not shown to be in the least degree contrary to that practice, and your Lordships are called upon to assimilate it either to the forms adopted in your Lordships' Court, or to the forms in inferior courts, or used by officers of an inferior and limited jurisdiction, and then to decide against the validity of the practice of the House of Commons.

My Lords, what reason have your Lordships for saying that this form of warrant is not the precise form of warrant adopted upon all those occasions? Is there anything to show your Lordships that it is not? If there is nothing to show your Lordships that this is not the form of warrant which has been used upon all occasions, I have a right to assume that it is that form of warrant. And are your Lordships now prepared to decide against the uniform practice of the House of Commons with reference to the nature and form of these warrants, and to determine that they have no validity? Because that is what my learned friend calls upon your Lordships to do. You cannot decide upon the present occasion against the validity of that warrant without assuming that the practice of the House of Commons is opposed to that form of warrant, or that that form of warrant, whether the practice is opposed to it or not, is invalid and void.

Now, see the situation in which your Lordships would be placed by the argument which my learned friend calls upon you to adopt; and again, I say, by what rule, by what law, are your Lordships to decide the question as to the validity of the warrant which is to be so issued? If it is according to the law of Parliament, it is quite clear, whatever my learned friend may say with regard to Magna Charta, and the expressions upon which he has insisted, that when he adverts to the term *per legem terræ*, the law of Parliament is part of the law of the land. That has been clearly over and over again laid down by various authorities. Then either one thing must be adopted or the other, either that it is part of the law of the land, and that your Lordships must take judicial cognizance of it (and your Lordships must decide with regard to this point from the knowledge you possess, that it is in pursuance of the law and custom of Parliament); or if that be not so, then your Lordships must decide upon the practice of the Court, the practice of which, inconsistently enough, my learned friend, at the close of his argument, told you that you could not possibly understand; that you could have no knowledge of it, it being settled that the course of every court is the law of the court; and your Lordships are called upon to decide here that this practice, of which you can have no knowledge whatever, is not of a character which justifies this warrant, or, that if it is of a character which justifies this warrant, it is illegal and void.

Now, my Lords, I apprehend that it will not be necessary at all to go back to any distant period in order to prove the existence of the practice. But a very important observation arises out of a remark made by Mr. Justice Patteson, in the course of his judgment in the case of Stockdale *v.* Hansard. That learned Judge says, in page 203, "That the decisions of that court whose powers, privileges, and jurisdiction are so brought into question as to their extent, are authorities, and, if I may so say, evidence in law upon the subject, but not conclusive." Then, is not the practice the uniform established practice of every court? Is not

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Argument.

15 November 1844.

Mr. *Solicitor-general.*

that in the same way evidence in law? And if not conclusive, is it not *primâ facie* evidence of the existence of that practice, which can only be disturbed by proving that it is contrary to the ancient usage of the Court; and is not the *onus* upon the present occasion upon my learned friend, and not upon me, to show that this is not in accordance with the ancient usage, and with the law and custom of Parliament?

But, my Lords, suppose that this question is to be decided with reference to the practice of courts of law, I presume that we are not to be degraded lower than the courts of record in this country, and, I should venture to say, than the superior courts established in this kingdom. Mr. Justice Bayley, indeed, in the case of Burdett *v.* Abbot, says: "In an early authority upon this subject, in Lord Coke, 4th Institute, 23, it is expressly laid down that the House of Commons has not only a legislative character and authority, but is also a court of judicature, having power of judicature; and there are instances put there, in which the power of committing to prison for contempts has been exercised by the House of Commons, and this, too, in the case of libel." This is what is stated by Lord Denman, in his judgment in the case of Stockdale *v.* Hansard.

I think, therefore, I am entitled humbly to submit that, at all events, the House of Commons may be put upon a footing with the other superior courts of the land, and therefore one may refer to the practice of those courts, upon which some rather startling and unfounded remarks have been made by my learned friend Mr. Kelly. My learned friend, in the course of his argument, turned to me and said this, "I challenge my learned friend to show any authority of any description, any written process, or any proceeding of the courts of law, in which a party is merely required to answer to such matters as shall be alleged against him." And he also denied the existence of any authority, on the part of the superior courts, to attach a party, in the first instance, to answer for a charge of contempt.

Now, in reply to that challenge on the part of my learned friend, I will just call your Lordships' attention to the form of attachments which are used in the three superior courts, which are all attachments upon mesne process, not attachments in punishment for a contempt. Now, what is the form in this Court? "We command you that you attach C. D., esq. sheriff of our said county, so that you may have him before us, on such a day, to answer to us for certain trespasses and contempts by him lately done and committed in our Court before us."

Mr. Justice *Coleridge.*—Where are you reading from?

Mr. *Solicitor-general.*—From Tidd's Practical Forms, page 63. What is the form in the Court of Exchequer? "To answer to us concerning divers trespasses, contempts, and offences by him lately done and committed." But what is the form in the Court of Common Pleas? My learned friend says no court ever issued an attachment to bring a party to answer upon a charge of contempt upon mesne process. Here are the instances familiar to your Lordships, in which it is done repeatedly by this Court and the Court of Exchequer; but my learned friend also adds, "I challenge my learned friend to find any authority for any process, or any debt, or any other proceeding, in which the party is summoned and required to attend for the purpose of answering what may be alleged against him." What is the form of attachment in the Court of Common Pleas? "To answer to us of and concerning those things which on our behalf shall then and there be objected against him."

Now, my Lords, what are these proceedings? They are proceedings to compel a party to attend for the purpose of answering to the charge of contempt. When the party is brought up on those attachments into the court, he then answers to the charges which are made. Upon the issuing of this process the party is not in contempt. The charge of contempt is made against him, and whether he may be ultimately in contempt or not depends upon whether he purged himself from it upon his appearance in court, or whether he is unable to give a satisfactory answer to the charge. But can it be said that the attachment, for instance in the Court of Common Pleas, gives the party the slightest notice of what he is to come prepared to meet? When it requires him to attend, in order "to answer to us of and concerning those things which then and there on our behalf shall be objected against him," is there the slightest intimation of the purposes for which his attendance is required, except that there is some charge which he is not informed of, and which is made against him, and which he will know when he appears in court, and which he will be required to answer?

Argument.
15 November 1844.
Mr. *Solicitor-general.*

Now, suppose an attachment of that kind were to issue from the Court of Common Pleas (it is a matter of every day's practice), and suppose upon that attachment a habeas corpus were to be moved for in this Court to bring up the body of the person attached, and the return were made of an attachment in this form, your Lordships either have cognizance of the practice of the Court of Common Pleas, or you have not. If you had no cognizance of the practice, I presume your Lordships would assume that the practice had been properly pursued. If your Lordships had cognizance of that practice, your Lordships would know that it had been strictly pursued; but would your Lordships, upon that being brought before you in the form I have mentioned, because it happened to differ from the practice in your Lordships' Court, would you say that it was an improper and illegal practice, and was therefore void? Would not your Lordships feel yourselves, in any case of that kind, constrained to submit to whatever was the practice of the Court, and to remand the party upon a return of that kind?

Now, apply that argument to the present case: if the House of Commons had proceeded upon the contemptuous refusal of the party to appear, to pronounce him guilty of contempt, and had had him put into custody upon that charge of contempt, my learned friend admits that no court in the kingdom could have disputed the validity of that proceeding. If the House of Commons had proceeded in the way which they clearly might have done, in the exercise of their admitted jurisdiction, but in a manner not so favourable and forbearing to the plaintiff as the present; if they had instantly upon being informed of the contemptuous and wilful refusal of the plaintiff to appear, resolved that he had been guilty of contempt, and ordered that he should be apprehended for the contempt, it is clear that they might have done so; but they have not proceeded to that extreme against him; they have actually pursued precisely the same course which your Lordships and the superior courts pursue in those cases, an attachment upon mesne process. They have ordered that the party should be sent for in the custody of the Serjeant-at-Arms, and a warrant is issued directing the serjeant to take him in custody accordingly.

Now, is not it really trifling to say that because the warrant does not pursue the order in terms, and desire that the serjeant would take him into custody and bring him before the House; that although it is not shown to be contrary to the practice of the House, that your Lordships will assume, by analogy to other cases which have been mentioned, that this is an illegal and void proceeding, and that in fact it amounts to an authority for the Serjeant-at-Arms to take him into custody and to keep him in custody for an indefinite time? Can anybody fairly read the warrant in that sense?

Then, my Lords, if the House of Commons, proceeding with this forbearance towards the plaintiff, and proceeding, as I say, according to the admitted practice of the House (because the *onus* is on the other side to show that this mode of warrant is contrary to the practice, and no such evidence has been given), if the House of Commons, proceeding in this manner, have issued their warrant in the accustomed form, does not that warrant indicate to every person of plain sense and understanding that it is intended to be in pursuance of the order of the House, and that when a party is to be sent for in custody, and the Serjeant-at-Arms is required to take him into custody, it must be considered to be a taking him into custody in obedience to the Order of the House, and for the purpose of effecting the object of the House in sending for the individual.

Now, my Lords, having read those expressions of Mr. Justice Bayley, as to the House of Commons being a court of judicature, I would enforce the remark by reference to a passage in Coke's 4th Institute upon the subject. In page 27 he says: "The House of Commons is a distinct Court Nota." He says: "The House of Commons is to many purposes a distinct Court, and therefore is not prorogued or adjourned by the prorogation or adjournment of the House of Lords." And then, in another passage, he distinctly states that it is a court of judicature. Now my object in pressing that upon your Lordships' attention is this, to make those cases in which it has been decided that one court of co-ordinate jurisdiction will not question the practice of another court of co-ordinate jurisdiction, analogous in the present argument.

Now, my Lords, in the first place, what was said by Lord Ellenborough in the course of the argument as to the proceedings in the Common Pleas in Burdett *v.* Abbot, page 64? Mr. Holroyd was arguing this, "Suppose a party was arrested upon a void writ out of the Common Pleas, as if a writ tested in one term were not returnable till the second term, which has been held to be a void writ; if he sued

his

Argument.

15 November 1844.

Mr. *Solicitor-general.*

his writ of habeas corpus returnable in this Court, instead of in the Common Pleas, this Court would not discharge him, but would refer him to the Court out of which the writ issued." Then Lord Ellenborough says this: "Without touching the question of contempt, I should rather think that if a person arrested on a process absolutely void upon the face of it, claimed his discharge of us, we should discharge him, whether it were on Exchequer or Common Pleas process; as, suppose the defect in the process were in a matter required by positive statute, of which all the Courts must take cognizance. If indeed it were a doubtful matter, which might involve any question as to the practice of another Court, we should send him to that Court."

Now, applying that, are your Lordships prepared to say here that this is a case in which it appears that a person has been arrested on a process absolutely void upon the face of it? Lord Ellenborough seems to guard himself in the observations he makes in answer to the argument of Mr. Holroyd there, because he qualifies generally his expressions by saying, "As suppose the defect in the process were in a matter required by positive statute, of which all the Courts must take cognizance." But then he adds, "If indeed it were a doubtful matter, which might involve any question as to the practice of another Court, we should send him to that Court."

Now it may be said, "Oh, but these observations apply to habeas corpus, not to an action of trespass." But again I refer your Lordships to what is said by Mr. Justice Bayley, in his judgment in that case: "Would it not be absurd to say, that though we cannot discharge the party committed from his imprisonment, because that would be directly arraigning the judgment of the House, yet that he shall have an opportunity of recovering by action full satisfaction for lying in prison. Can you say that in a case where the Court, if it were a doubtful matter of practice, would not interpose and discharge the party, but would send him to the Court out of which the process issued, the party might, in a case of that description, proceed afterwards against the officer, and recover damages for false imprisonment? It is clear there can be no distinction in principle between cases of habeas corpus and cases of action for false imprisonment; the same principle is applicable. If the process is not actually void, and as I shall have occasion to show the Court, I trust satisfactorily, even in cases in a superior court where the process is void, but in cases clearly where the process is not absolutely void, would it be said that although the party could not be discharged by habeas corpus, yet that he might have an action for false imprisonment? In that case the Court appear to have considered, that although the party might obtain his discharge upon habeas, he would not afterwards have his action, because that was decided in Bushell's case, where the jurors were committed by the Court of oyer and terminer at the Old Bailey, and where they were discharged by the Court, and where the parties afterwards brought their action; and your Lordships are familiar with the expressions used by Chief Justice Hale, who, when the case came before him, said, "Why a writ of habeas corpus is in fact a writ of error, reversing a judgment, and the party cannot proceed against the persons who were instrumental in carrying into effect that judgment which has been so superseded by a writ of error:" he said, they would have "a cold business of it." My Lords, I am now showing what would be the effect if this process had proceeded from one of the superior courts, and had been brought before your Lordships, what would be the course which you would pursue in dealing with the party who had been attached upon such process.

Now, in addition to these cases, I would cite Brass Crosby's case, in 3rd Wilson, page 198. He says, "It is objected that the House of Commons are mistaken, for that they have not this power; secondly, that supposing they have, yet in this case they have not used it rightly and properly; and, thirdly, that the execution of their orders was irregular. In order to judge, I will consider the practice of the courts in common and ordinary cases. I do not find any case where the Courts have taken cognizance of such execution or of commitments of this kind; there is no precedent of Westminster Hall interfering in such a case. In Sir J. Paston's case, 13 Reports, there is a case cited from the Year Books, where it is held, that every Court shall determine of the privilege of that Court; besides, the rule is, that the Court of remedy must judge by the same as the Court which commits. Now, this Court cannot take cognizance of a commitment by the House of Commons, because it cannot judge by the same law, for the law by which the Commons judge of their privileges is unknown to us."

Argument.
15 November 1844.
Mr. *Solicitor-general.*

Then I advert again to the expressions used by Mr. Justice Patteson, in Stockdale *v.* Hansard, 9 Adolphus and Ellis, 203, and to the observation I have already made, and which will be found in Comyn's Digest, title, Courts: "The course of the Court is the law of the Court." And upon all these authorities I submit to your Lordships upon this fourth point, that your Lordships will not undertake to decide against the validity of the practice of the Commons House of Parliament, unless your Lordships are satisfied upon the present occasion that the proceeding which is complained of is an act done not in accordance with that practice, which it is perfectly impossible for my learned friend to prove, although he has alleged it; and that your Lordships will not, because the practice of the House of Commons differs from the forms which are adopted in this and the other courts, decide that that is an illegal and a void practice.

Now there is one observation which I wish to make before I leave this part of the case, upon a remark which my learned friend has made, and which seems to be a rather singular one. In adverting to the authorities which are to be found collected in Stockdale *v.* Hansard, in the very able argument of the Attorney-general in that case, my learned friend says, "I will show you that the practice cannot by possibility exist." And how does he attempt to prove it? By citing seven or eight different cases in which a party was attached for a contempt: and if I understand my learned friend's argument, it is this, that because in those cases the parties were distinctly taken into custody for an alleged contempt, therefore there can be no possibility of such a practice existing as this which is contended for, that the House of Commons should have the power to summon a witness to attend, and to compel his attendance if he absolutely and contemptuously refuses obedience to the summons. That was the argument of my learned friend; because he began with Pye's case, and he went through the different authorities which were mentioned by the Attorney-general, and he then said, "All these are cases for contempts." Then he said again, "Show me a judicial sanction and authority for the exercise of this power for which you contend; I will not be satisfied with the Journals; I will not be satisfied with the Resolutions; I will be satisfied with nothing less than judicial authority;" which my learned friend, who must be familiar with this subject, must perfectly well know can never be obtained; because the right never having been questioned, no authority or sanction for it could ever be in existence in any judicial record. But my learned friend endeavours to satisfy your Lordships that there is no authority for the existence of this practice, by showing that all these arrests of parties in the cases cited by the Attorney-general, were arrests distinctly for contempt, not for the purpose of compelling appearance.

Now I proceed to the fifth point in this case, which is this: It being clear that the order in this case was made, and the Speaker's warrant issued, in a matter over which the House had jurisdiction, the courts of common law have no right or power to inquire into the formal mode in which they have proceeded, according to their own usage and practice, as regulated by the law of Parliament.

Now your Lordships will observe that this is entirely a different question from that which was agitated in the case of Stockdale *v.* Hansard. In that case the whole tenor of the argument was this, the Resolution of the House of Commons that it possessed the privilege contended for was binding upon your Lordships, and required your Lordships to give judgment in favour of the defendant. Upon the present occasion, I am not contending for so large a proposition as that; but what I contend for is this, that this being admitted to be a proceeding in accordance with the ancient usages and privileges, and the law and custom of Parliament, your Lordships will not inquire either into the discretion of the House of Commons in the particular instance, or the formal manner in which that discretion may have been exercised.

Now, my Lords, have the House of Commons a right to summon a party before them in order to obtain information from them which they consider necessary? I apprehend there can be no doubt upon the argument which I have addressed to your Lordships, and the authorities to which I have referred you, that they possess that power: then if they possess that power they have the right to exercise that power as they please, and without being subject in their discretion to the control of any other party; and it would be extremely inconvenient, and would entirely cripple their usefulness, with respect to the exercise of that inquisitorial power, if upon every occasion in which they, exercising their judgment and discretion,

Argument.

15 November 1844.

Mr. *Solicitor-general.*

discretion, considered it necessary that a party should attend before them, and give them information, that discretion was to be scrutinized and examined by any other tribunal whatever. Because if my learned friend's argument upon the present occasion is correct, whenever a person refused to obey the summons of the House of Commons, and the House of Commons, armed with ample powers for the exercise of the jurisdiction with which they are entrusted, as your Lordships have admitted, send their Serjeant-at-Arms to compel the party to come before them; if that party may issue a habeas corpus, and require the House of Commons to give an account to this or to any other Court of the reasons why they have sent for him, and what is the subject upon which they desire an investigation, it is perfectly clear that it is making this and all the other Courts that which they have over and over again repudiated the notion of, namely, a court of appeal from the proceedings of the House of Commons, a court to control the discretion with which they are invested, and which they are entitled to exercise in the manner I have mentioned. And therefore it is a very different question indeed from that which was discussed in the case of Stockdale *v.* Hansard, in which there was an assertion of a particular privilege. In this case the proceeding is admitted to have been in accordance with the ancient usages and privileges; but the parties question the right of the House of Commons to proceed in this instance. I venture to say, with submission to this Court, but with firmness in the defence of those important privileges with which I am intrusted, that no body in the constitution has any power whatever to control the exercise of this particular discretion. It is not a question with regard to the existence of a privilege. The general jurisdiction is admitted. Would your Lordships endure in a case where you have a discretion, in a case of an application for a mandamus, or for a quo warranto, or in a motion for a criminal information, where your Lordships may either give or withhold the remedy, where the general jurisdiction most undoubtedly attaches and exists, would your Lordships tolerate that the exercise of your jurisdiction in each particular instance should be scanned, should be criticised, should be questioned and overruled upon every occasion upon which the discretionary power with which you were invested were called forth? That is precisely the position in which by this argument they desire to place the House of Commons completely under the control and superintendence of the courts of law. They cannot stir a step in the exercise of their admitted powers and privileges without being called upon to account, and without being required to give a reason for their bringing into operation that particular power with which they are admitted to be invested. And therefore I do most earnestly entreat your Lordships to pause, and to consider what you are required to do, and what you must necessarily do upon the present occasion before you can come to a determination hostile to the defendant.

Now the authorities to which I shall refer your Lordships upon this part of the case are distinct authorities to the extent for which I am contending; they leave no question at issue with my learned friend as to whether any declaration of the existence of privileges is binding upon any other court, or any other tribunal. But that the House of Commons have the power to act according to their discretion, and without being accountable to anybody in the exercise of their undoubted privileges, is a matter which I should have thought was so clear and so unquestionable, that I should hardly have been required to do more than to state the proposition, that any argument would have been unnecessary, and that as to the adduction of authorities, they would have been wholly out of the question.

But if I am to cite authorities upon this, I would refer your Lordships to Comyn's Digest, Parliament, G 1, page 275, "All matters moved concerning the Peers or Commons in Parliament ought to be determined according to the usage and customs of Parliament, and not by the law of any inferior court."

So, my Lords, in Hawkins's Pleas of the Crown, 2d volume, page 165, sect. 73, we find this, "Where bail is grantable by the Court of Queen's Bench to a person imprisoned by either House of Parliament, there can be no doubt but that the highest regard is to be paid to all the proceedings of either of those Houses, and that, wherever the contrary does not plainly and expressly appear, it shall be presumed that they are within their jurisdiction, and agreeably to the usages of Parliament, and the rules of law and justice; and therefore wherever it stands indifferent upon the return of a habeas corpus whether a commitment by either of those Houses were strictly legal or not, and the Parliament be still sitting, I can

Argument.

15 November 1844.

Mr. *Solicitor-general.*

find no precedent that the prisoner hath been bailed by the Court of King's Bench."

Then, my Lords, the case of The Queen *v.* Paty is one to which I am most anxious to draw your Lordships' attention. That case will be found in 2d Lord Raymond, page 1105, and the whole of the judgment of Mr. Justice Powys is so important that I shall make no apology for intruding it upon your Lordships. I shall refer only to different parts of the judgments of the other Judges. It was a habeas corpus, where "Paty and four others were committed by the speaker of the House of Commons, by virtue of an order of that House." And then upon the return it is stated, "By virtue of an order of the House of Commons," "these are to require you forthwith, upon sight hereof, to receive into your custody the body of John Paty, who, as it appears to the House of Commons, is guilty of commencing and prosecuting an action at common law against the late constables of Aylesbury, for not allowing his vote in the election of Members to serve in Parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House, and him in safe custody to keep during the pleasure of the said House of Commons, for which this shall be your warrant."

Now in that case Lord Chief Justice Holt differed from the three other Judges, and afterwards eleven of the twelve Judges were against my Lord Chief Justice Holt upon this very case. Now with very great submission to your Lordships, I really cannot conceive why the judgment of a large and overwhelming majority of the Judges is to go for almost nothing; and why the authority of my Lord Holt is to be put so high in opposition to the opinion of the others. Many of the Judges were almost, if not quite, equal to my Lord Holt. With regard to Mr. Justice Powell, it is expressed in one case, that he was a Judge only inferior to Lord Holt; and when there are Judges of this high eminence and great learning, almost unanimous in a question of this description, I apprehend that their authority is not to be set at naught; that it is in fact a binding authority upon this question, and that we must go by the opinion of the eleven and not by the opinion of the one.

Now Mr. Justice Gould says, "The prisoners ought to be remanded. He said that this was the first habeas corpus that was ever brought by persons committed by the House of Commons that he ever heard or read of, and therefore no such writ having ever been brought before, that is an argument that no such writ lies. He said if this had been a return of a commitment by an inferior Court it had been naught, because it did not set out a sufficient cause of commitment, but this return being of a commitment by the House of Commons, which is superior to this Court, it is not reversible for form; and that answers the objections to the form of the commitment. We cannot judge of the privileges of the House of Commons, but they are to debate them among themselves." Then it goes on, "He said it was objected that by the Magna Charta," (the same argument that my learned friend has used to-day) "no man ought to be taken or imprisoned but by the law of the land. But that the answer to this was, that there were several laws in this kingdom, among which was the *lex Parliamenti*; which law as it is said in the 4th Institute, 15, *ab omnibus est quærenda a multis ignorata a paucis cognita*, and that it was uncertain that those words in the statute of Magna Charta were to be restrained to the Common Law."

Then Mr. Justice Powys says: "I am of the same opinion. He said he would consider the objections that had been made to the return, and give an answer to them, not that he thought they had jurisdiction of the cause, but that the commitment might not be taken so totally naught as it had been represented to be. He said it had been objected that this case differs from my Lord Shaftesbury's case, because that was a commitment by order of the House of Lords, this only by the Speaker's warrant. To that he answered, that this warrant, as was recited in the warrant, was by order of the House of Commons. The second objection was, that the warrant was not under seal; and 2d Institute, 52, is, that warrants of commitment must be in writing under hand and seal. But to this I answer, that the House of Commons is a court; and so my Lord Coke says, in his 4th Institute, 28, 23, and commitments by a court need not be under hand and seal. And, besides, the *consuetudo Parliamenti* will justify this commitment. Thirdly, this case is objected to differ from my Lord Shaftesbury's case, because he was a Member of the House of Lords. But if this objection should take place, it would destroy all their power of committing for breach of privilege, for these are most commonly

Argument.

15 November 1844.

Mr. *Solicitor-general.*

commonly by persons not of the House. Fourthly, this commitment is for a matter done out of the House. That must receive the same answer with the last, that so are most breaches of privilege. Fifthly, it is objected that the commitment is during the pleasure of the House of Commons, whereas it ought to be till they shall be discharged by due course of law. To this I answer, that this commitment is more favourable for the prisoner, and more for his benefit than a commitment for a certain time; for this commitment determines with the Session, and it leaves the House a power to discharge the prisoners upon their submission. Besides, this is agreeable to the constant forms of commitments by the House of Commons, and it is agreeable to our commitments here, which are implied to be during the pleasure of the Court. And though the House of Commons express that in their commitments, yet that is only expressing what we imply."

Then he says: "Sixthly, the cause of commitment is for bringing an action at common law; and shall the Commons hinder a man from proceeding at law? Now, in general speaking, that is the only use of privilege; and the meaning of privilege is, that it is a privilege against the course of law. Such is the privilege of Members against suits at law to be brought against them. This objection has been farther enforced by remembering the Resolutions in the case of Ashby and White, where it was determined by the House of Lords that an action would lie against the constables of Aylesbury for refusing a man his vote at an election of Members to serve in Parliament. But in answer to that, this does not appear to us to be the same case. The parties are different, and it may be the cases may be different, and all these prisoners may have been guilty of a breach of privilege. If all commitments for contempt, even those by this Court, should come to be scanned, they would not hold water. Our warrants here in such cases are that as for a contempt, or for a contempt in such a case. So in Chancery, the commitments for contempts are for a contempt in not fully answering, &c.; and would not this commitment be sufficient? If a commitment be for a contempt in not paying money according to an order of court, without reciting the order, yet such a commitment is good. The House of Commons is a great court, and all things done by them are to be intended to have been *rite acta*, and the matter need not be so specially recited in their warrants, by the same reason as we commit people by a rule of court of two lines; and such commitments are held good, because it is to be intended that we understand what we do."

Now I would only venture to claim for the House of Commons the same right as is contended for here by Mr. Justice Powys, that the House of Commons may be taken to understand what they do, just in the same way that the courts of law do. Then he says: "Seventhly, it is objected by Magna Charta, c. 29, no man ought to be taken or imprisoned but by the law of the land. But to this I answer that *lex terræ* is not confined to the common law, but takes in all the other laws which are in force in this realm, as the civil and canon law, &c. and, among the rest, the *lex Parliamenti.* By 28 Edw. 3, c. 3, there the words *lex terræ*, which are used in Magna Charta are explained by the words "due process of law," and the meaning of the statute is, that all commitments must be by a legal authority; and the law of Parliament is as much a law as any, nay, if there be any superiority this is a superior law."

Then Mr. Justice Powell, whose character I have already given, said, "The Court could not judge of the return, first, because they were committed by another law, and consequently we cannot discharge them by that law by which they were not committed. There is a *lex Parliamenti*, for the common law is not the only law in this kingdom, and the House of Commons do not commit men by the common law, but by the law of Parliament. Consider the judicature of Parliament. The House of Lords have a power of judicature by the common law upon writs of error, but they cannot proceed originally in any cause. But they proceed, too, in another manner, in case of their own privileges, and therein the Judges do not assist as they do upon writs of error and their proceeding in that case is by the *lex Parliamenti.* So the Commons have also a power of judicature, and so is 4 Institute, but that is not by the common law, but by the law of Parliament to determine their own privileges, and it is by this law that these persons are committed. He said, this Court might judge of privilege, but not contrary to the judgment of the House of Commons, which yet we must do in this case, if we discharge these prisoners from their imprisonment, which is the only judgment the House of Commons can give upon their determination that these persons have been guilty of a breach of their privileges."

Argument.

15 November 1844.

Mr. *Solicitor-general.*

Now so I say here, if your Lordships decide that this party is entitled to maintain an action against the officer for the execution of the warrant, your Lordships are deciding against the House of Commons upon a direct adjudication of the House of Commons, because the House of Commons have made a distinct order upon this subject. The order, which proceeds upon a resolution, is an adjudication of The House that the party who had contemptuously refused obedience to the summons which had been served upon him, of which he had notice, should attend the House forthwith. And therefore, if your Lordships were to come to the conclusion here, that supposing the party had been brought before your Lordships upon Habeas Corpus, upon your scanning the warrant in the way proposed by my learned friend, your Lordships would decide that the party was entitled to his discharge, your Lordships would decide directly contrary to the express decision of the House of Commons upon the subject, and I have shown your Lordships already there is no distinction in principle between an application by Habeas Corpus and an action of assault and false imprisonment, to obtain damages.

Now, my Lord, this view does not stand entirely upon this case of The Queen *v.* Paty, but there is Brass Crosby's case, to which I have already referred, and there are a variety of other cases. I do not fatigue your Lordships with going minutely into all those cases, because they were fully before your Lordships, many of them in the case of Stockdale *v.* Hansard; but Lord Chief Justice de Grey says, "Whether the authority committing the Lord Mayor is a legal authority or not must be adjudged by the return of the writ now before the Court. The return states the commitment to be by the House of Commons for a breach of privilege, which is also stated in the return; and this breach of privilege or contempt is, as the counsel has truly described it, threefold, discharging a printer in custody of a messenger by order of the House of Commons, signing a warrant for the commitment of the messenger, and holding him to bail, that is, treating a messenger of the House of Commons as acting criminally in the execution of the orders of The House." In order to see whether that House has authority to commit, see Coke's 4th Institute, 23. Lord Coke says they have a judicial power, each Member has a judicial seat in the House. He speaks of matters of judicature of the House of Commons, 4 Institute, 23: "The House of Commons without doubt have power to commit persons examined at their bar touching elections when they prevaricate or speak falsely; so they have for breaches of privilege; so they have in many other cases. Thomas Long gave the Mayor of Westbury 4*l.* to be elected a burgess; he was elected, and the Mayor was fined and imprisoned, and Long was removed. Arthur Hale, a Member, was sent to the Tower for publishing the conferences of The House."—4 Institute, 23. This power of committing must be inherent in the House of Commons from the very nature of its institution, and therefore is part of the law of the land. They certainly always could commit in many cases. In matters of elections, they can commit sheriffs, mayors, officers, witnesses, &c. and it is now agreed that they can commit generally for all contempts. All contempts are either punishable in the Court contemned or in some higher Court. Now the Parliament has no superior Court, therefore the contempts against either House can only be punished by themselves. In the case of the Aylesbury men, the counsel admitted, Lord Chief Justice Holt owned, and the House of Lords acknowledged, that the House of Commons had power to commit for contempt and breach of privilege; indeed it seems they must have power to commit for any crime: "That was wrong, undoubtedly, because they have power to impeach for any crime, but not to commit for any crime." But that was an observation of my Lord Holt, which certainly shows that he had very confused notions in so far as to the power of the House of Commons. This was a dictum of my Lord Holt's, which was cited by my Lord Chief Justice de Grey: "When the House of Commons adjudge anything to be a contempt, or a breach of privilege, their adjudication is a conviction, and their commitment in consequence is execution, and no Court can discharge or bail a person that is in execution by the judgment of any other Court. The House of Commons therefore having an authority to commit, and that commitment being an execution, the question is, what can this Court do? It can do nothing when a person is in execution by the judgment of a Court having a competent jurisdiction. In such case this Court is not a court of appeal."

Now I should mention, as I have referred to this case of Brass Crosby, a circumstance which escaped me in the course of that part of the argument to which it more immediately referred. My learned friend was objecting to this warrant of the

the House of Commons because it did not contain any specification of the party having been guilty of an offence. It is remarkable that, in this very case of Brass Crosby, the warrant which was issued under the hand of the Speaker was a warrant which did not contain any statement of any offence. It was upon that ground that the Lord Mayor refused to assist the messenger, and actually committed him because he said the warrant was an illegal warrant, and discharged the prisoner; and it was upon that very proceeding of the Lord Mayor's that the House of Commons committed him for the contempt; and this case of Brass Crosby, which I have read to your Lordships, proceeded upon his application to be discharged out of custody upon that commitment for contempt. Your Lordships will find that in the Report of the Committee of 1770, to which I have already alluded.

Now we have again the authority of this Court, of a Judge of the greatest learning, I allude to my Lord Tenterden in Hobhouse's case, in favour of the position for which I am contending. That will be found reported in 2d Chitty, page 209. Lord Tenterden says, "It has been settled by many precedents brought from time to time before the different Courts of Westminster Hall, and finally in the case of Sir Francis Burdett *v.* Abbot, which went by writ of error to the Exchequer Chamber from this Court, and ultimately to the House of Lords, that it is competent for the House of Commons to commit for a contempt of their privileges, and that they are the judges, and the only judges, of what is a contempt of their privileges. There are a great many cases in which this Court, and other Courts of Westminster Hall, have from time to time refused to discharge a person so committed, on the ground that the Court has no authority to entertain such an application. The cases of Lord Shaftesbury and The King *v.* Patty are decisive authorities to show that the Courts of Westminster Hall cannot judge of any law, custom, or usage of Parliament, and consequently they cannot discharge a person committed for a contempt of Parliament. The power of commitment for contempt is incident to every court of justice, and more especially it belongs to the High Court of Parliament, and therefore it is incompetent for this Court either to question the privileges of the House of Commons, or a commitment for an offence which they have adjudged to be a contempt of those privileges. Here the House of Commons have adjudged (as appears by the warrant) that the gentleman on the floor has been guilty of a contempt in having published a seditious libel, of which he has acknowledged himself to be the author. We cannot inquire into the form of the commitment, even supposing it is open to objection on the ground of informality."

Is not this a distinct authority in favour of the position I am contending for under the fourth point, that this Court has no power whatever, even if it assumes that there is an informality in the form of the warrant, to decide against the validity of the warrant? It has no power to set it aside upon the ground of its being defective. "Dismissing, therefore, the general question as to the power of this Court to discharge a person committed by the House of Commons for a contempt of its privileges, it is necessary to advert to the circumstances under which the court granted a habeas corpus in this case, in order to correct an erroneous opinion which seems to have obtained." I will not trouble your Lordships with that. I think it might be found to answer any observation which my learned friend might make with regard to the effect of a habeas corpus.

The next authority is the case of Jay and Topham, in 12 State Trials, page 826. Now I shall not here stop to inquire whether the proceedings which were adopted by the House of Commons upon that occasion against the two Judges who were summoned to the bar of the House to answer for their judgment in that case of Jay and Topham, were correct and justifiable or not. It is quite unimportant to my argument to discuss that question. But what I wish particularly to call your Lordships' attention to is, what those two Judges admitted, that supposing a plea had properly raised before them the question upon which they might have been called upon to decide what their decision must necessarily have been. Chief Justice Pemberton says (Sir Francis Pemberton he was then), "Now here it is allowed by all people living, I think no Judge ever denied it, that the order of this House was sufficient to take any one into custody. No judge, I presume, ever thought otherwise; but if this be pleaded to the jurisdiction, here the hands of the Court are closed, so that whether he had such an order or not is not to be inquired of by the Court. But if it be pleaded in bar, so it is a good bar, and he will have as much advantage as any, and all people must allow it is a good bar. And

Argument.
15 November 1844.
Mr. *Solicitor-general.*

And then he goes on to say; "in this case, if Mr. Topham comes and pleads this by way of bar, no court will deny but it is a good justification; he has answered to the thing, and justified what he has done:" now what was that? An order of the House of Commons.

Now what the nature of that order was we have an opportunity of ascertaining, because in a note to Burdett *v.* Abbot, in 14 East, page 102, the form of the order of commitment is given, and it appears to be as general as anything well can possibly be conceived. "Ordinatum et præceptum fuit ipso prædicto Johanni Topham secundum legem et consuetudinem Parliamenti quod ipse prædictus Johannes Topham;" and there was the authority. Nothing can be conceived more general, nothing more closely resembling the present case; and Sir Francis Pemberton says, "In this case, if Mr. Topham comes and pleads this by way of bar, no Court will deny that it is a good justification; he has answered to the thing, and justified what he has done." And then he says on a future day, after he had had time to consider, "That this House was a superior court, of a higher nature than the King's Bench and of a greater authority, and that the King's Bench had nothing to do to inspect the actions of this House, or to examine what was done by virtue of any orders of this House." Then he says, "Then I did consider with myself that if this plea should be overruled the defendant was at no prejudice, for the same matter might be pleaded by way of bar. And it would have been a good bar if true, and he could have no manner of prejudice that I know of by pleading as the Court directs. We did not question the legality of your orders, nor the power of them; but the great business was, whether he had pursued this order of the House of Commons, and that was the thing properly examinable."

Then Sir Thomas Jones says, "Thereupon I think Mr. Topham was advised and told that he ought to plead this matter in bar, wherein there would be full consideration and perfect regard given to the commands and authority of this House, and all imaginable reverence; if he had but produced a copy at most of your Journal, that had been sufficient, and no Judge would have been so silly, or imprudent at least, to have said that had not been a good and sufficient authority." And then he says, "And if it be so in cases of Acts of Parliament, as nobody will deny, then I thought it might be so when there was only a command of the House to do such a thing (the reverence to which would nave been perceived if there had been a plea in bar)." And then he says, "There was an abuse of that order in the exacting 30 *l.* complained of.

Now I overheard an observation which my learned friend made, that those remarks of the learned persons who were brought before The House were made under duress. That is an observation, as applicable to them, which nobody ever suggested before. Very strong remarks, indeed, in the case of Stockdale *v.* Hansard, were made by some of your Lordships, with respect to the proceeding of the House of Commons in this particular instance; but with regard to the declarations made by those two learned persons, as to their acquiescence in the authority of The House, shown by their order, supposing it had been pleaded in bar, no one of your Lordships expressed anything like an opinion that that was not founded upon sufficient reason, and was not after due deliberation, and with perfect freedom of thought and of action.

My Lords, the next case to which I shall refer your Lordships is Lord Shaftesbury's case, which has been mentioned by my learned friend, Mr. Kelly. That is to be found in 6th State Trials, page 1271. In that case he was committed by the House of Lords: the form of the commitment is given in page 1271.

Mr. Justice *Wightman.*—By the commitment, do you mean the warrant?

Mr. *Solicitor-general.*—I mean the warrant. It was an order of the House.

Mr. Justice *Wightman.*—Not the Speaker's warrant?

Mr. *Solicitor-general.*—No, it does not appear. I presume it was an order. It was, in fact, a warrant or authority. There is no magic in terms. The warrant was, in fact, an order for the apprehension of Lord Shaftesbury. Because it is "Ordered, that the Constable of His Majesty's Tower of London, or his deputy or deputies, shall receive the bodies of James, Earl of Salisbury, Anthony, Earl of Shaftesbury, and Philip, Lord Wharton, members of this House, and keep them in safe custody, within the said Tower, during His Majesty's pleasure and the pleasure of this House, and this shall be a sufficient warrant on that behalf."

In that case the Judges say this: Sir Thomas Jones says, "Such a commitment by an ordinary Court of Justice would have been ill and uncertain; but the

case

Argument.

15 November 1844.

Mr. *Solicitor-general.*

case is different when it comes before this High Court, to which so much respect has been paid by our predecessors, that they have deferred the determination of doubts conceived on an Act of Parliament until they have received the advice of the Lords; and now, instead thereof, it is demanded of us to control the judgment of all the peers, given on a Member of their own House, and during the continuance of the same session. The cases where the Courts of Westminster have taken cognizance of privilege differ from this case; for in those it was only an incident to the case before them, which was of their cognizance, but the direct point of the matter is now the judgment of the Lords. The course of all courts ought to be considered, for that is the law of the court and it has not been affirmed; that the usage of the House of Lords has used to express the matter more particularly on commitments for contempts, and therefore I shall take it to be according to the course of Parliament." 4 Institute, 50. "It is said that the Judges are assistants to the Lords to inform them of common law, but they ought not to judge of any law, custom, or usage of Parliament."

Now here I would say, it has not been affirmed that the usage of the House of Commons has used to express the matter more particularly in their warrants to arrest a party, and bring him before them; and therefore your Lordships ought, in pursuance of this authority, to take it to be according to the course of the House of Commons; and your Lordships therefore have no power, according to these high authorities (all of which must be utterly disregarded upon the present occasion if the power is assumed by the Court), your Lordships have no power to question the exercise of the admitted general jurisdiction of the House in a particular case. And even if your Lordships should be of opinion that the form of the warrant which is used is faulty, still that your Lordships having nothing before you to satisfy you that it is contrary to the invariable uniform usage and practice of the House of Commons, you can have no power to control the exercise of their discretion in this particular instance.

My Lords, I ought perhaps, before I leave this part of the case, to cite two authorities with regard to the refusal of the courts to interfere with the practice of other courts, even where the court in the one instance I am about to cite to your Lordships, was clearly a court not of co-ordinate, but of inferior jurisdiction. Both of those cases were courts of inferior jurisdiction, where your Lordships could interfere and prohibit the proceedings, by virtue of the superior power you possess to control them.

My Lords, in the case of exparte Smith, 3 Adolphus & Ellis, page 719, it was held, that "where a cause has been brought before the Judicial Committee of the Privy Council on appeal from the Court of Arches, and the Judicial Committee has decided in favour of the appeal, at the same time retaining the principal cause, and ordering the unsuccessful party to appear absolutely, subject to the approbation of the King in Council, which approbation has been afterwards given, this Court cannot, on a suggestion of error in the decision, issue a mandamus to the Privy Council to receive a petition for a rehearing of the appeal."

Mr. Justice Littledale delivered the judgment of the Court. That learned Judge says, "In the present appeal the prayer of both parties is, that the principal cause should be retained. The Judicial Committee have retained it, and have decreed Mr. Smyth to appear absolutely. Whether they are right in so decreeing or not, is a question of practice, not of jurisdiction. The temporal courts cannot take notice of the practice of the ecclesiastical courts, or entertain a question whether in any particular cause admitted to be of ecclesiastical cognizance, the practice has been regular."

There is a most direct authority, that even in the case of an inferior court—a court over which your Lordships sitting here have control, where they are in the exercise of an admitted jurisdiction, and where it is a question of practice and not of jurisdiction, your Lordships are wholly unable to take cognizance of what is the peculiar practice of that particular court. And yet it is to be said, that although your Lordships have, by your own statement, in that case disabled yourselves from taking cognizance of the practice of an inferior court, yet the House of Commons is subordinate to your Lordships' jurisdiction in this particular; and that in a case in which their general jurisdiction is not denied, and in which the question is merely with reference to the particular exercise of that jurisdiction, and the mode in which it has been exercised, your Lordships may with regard to the House of Commons, take cognizance of, and decide, that with regard to that practice, it is false and erroneous, and that it makes the proceedings utterly void. Although it

Argument.

15 November 1844.

Mr. *Solicitor-general.*

it is part of my learned friend's argument that your Lordships can take no notice and have no cognizance of what is the practice of the House of Commons, in this or in any other respect.

The same application was made in the Court of Exchequer, and it is reported in 2 Crompton, Meeson & Roscoe, page 754; Lord Abinger says, "Mr. Smyth says that they had no jurisdiction; but in that he is mistaken. They have the power to remove the original suit into their own Court, and there to retain it, and take cognizance of it in the same way that the Court of Delegates might have done. If so, they have jurisdiction in the case. If they have made a mistake, whether in same interlocutory matter or in their final judgment, we cannot remedy it; this Court cannot sit in appeal upon it. I might have said that it is not very consistent with our law to give a Court an original jurisdiction, and no power of appealing to some other Court to have its judgment reversed. The error, if any, is that the judgment is erroneous; not that the Court had not jurisdiction, but this Court is not a Court of Error. The matter complained of is matter of practice, which is never the ground for prohibition, though it may be sometimes of a writ of error. The Court has jurisdiction of the cause, and has power to make decrees and orders in regard to it."

Now, my Lords, permit me for one moment to apply these last cases to the consideration of the present question. Here there is an order of the House of Commons, as there was an order or decree of the Ecclesiastical Court in that case. That order is admitted to be in accordance with the ancient usages, and with the law and custom of Parliament. I assume that upon the present occasion the general jurisdiction is admitted; that the House of Commons has at least a co-ordinate if not a superior authority to this Court is admitted; that this is a question which relates to their mode and form of proceeding must be admitted. It is impossible for my learned friend to mislead your Lordships by insisting that this is not a merely formal matter, but that it is a substantial objection to the proceedings of the House of Commons. It is the mode in which the House of Commons have exercised their acknowledged jurisdiction; it is the form of warrant which they have thought proper to adopt; it is what they have alleged to be in pursuance of their ancient usages, according to the law and custom of Parliament; it is a question of practice, and nothing but practice, upon which your Lordships are here called upon to decide.

Now those cases show what your Lordships have felt with regard to Courts inferior to this Court, where it was not a question of jurisdiction, as it is not here. For I entreat your Lordships to consider that you are not called upon here to decide at all with regard to the jurisdiction, because the jurisdiction appears to be completely admitted. It is not a question of jurisdiction; but the question is as to the exercise of that jurisdiction. Your Lordships having decided in those cases, that even with regard to the inferior Courts your Lordships have not the power to take cognizance of what their mode of proceeding may be, can your Lordships entertain the opinion to which my learned friend asks you to come, that although you are disabled in those cases, and your hands are tied by the judgment you have pronounced, yet that you are free to scan and to criticise a step which the House of Commons may have taken in the course of the exercise of their unquestionable privileges; and that, if it is not consonant to your Lordships' views of what ought to be the practice upon these occasions, your Lordships shall say that the proceeding is altogether erroneous and void, and that it constitutes no justification whatever to the officer who has acted in pursuance of that authority?

My Lords, even supposing that you consider upon this occasion, contrary, as I submit, to your own express decisions; supposing that you consider that you have the power to scan the propriety of this warrant, can it be reasonably contended that this warrant does not contain sufficient certainty; as much certainty as the law requires in a proceeding of this kind? My Lords, suppose the question had arisen upon the ancient usage of the House to send merely the mace to a party who was contemptuously refusing to obey the orders of the House. In that case there would be no form, except the ceremony of sending the mace, upon which your Lordships could form no judgment at all. Now is not this, at all events, more certain than that mode of proceeding? I have shown your Lordships that upon various occasions parties were ordered instantly to be brought before the House; and there is no reason for imagining that in those cases no warrant issued. Surely this warrant, when it comes to be examined, contains within it infinitely more information than that mode of proceeding would convey to the party by merely

Argument.
15 November 1844.
Mr. *Solicitor-general.*

merely sending the authority of the House, signified by its mace and its Serjeant-at-Arms, to require the attendance of the party at the bar; because here my learned friend says, if the party had desired to see the warrant, it would have been doubtful whether it was not an authority to the Serjeant-at-Arms to take him, and to keep him in custody for an indefinite time.

My Lords, I apprehend that here we are entitled (although my learned friend contends upon this second point that we are not so entitled) to pray in aid the allegations which are contained in the plea, in order to show that your Lordships have authority in this particular instance; and then, if you pray in aid these allegations, it appears that upon the matters which were debated it was considered by the House important that the plaintiff should be summoned to attend, in order to give information, and to be examined in respect of those matters and things; and that the plaintiff had notice of this, and, as he admits, contemptuously refused obedience to that summons, and partly secreted and concealed himself. Is it not mere childish trifling to say, that if under those circumstances a warrant of the House of Commons in this form proceeded against the party, he would not have the slightest notion of what was the object and intention of the warrant, where the warrant itself recited the order that the party should be sent for in the custody of the Serjeant-at-Arms, and required the Serjeant to take him into custody in pursuance of it? It recites the judgment against the person of the plaintiff. It follows that judgment by requiring the officer to take him; and then can it be reasonably contended that it could convey no information to the party of what he was to be taken for, or that he was to be taken in pursuance of that judgment which is put in the warrant as the very foundation of the authority upon which the Serjeant-at-Arms is to proceed?

I submit, therefore, my Lords, that upon all the three points which have been raised by my learned friend, a complete answer has been given. That in the first place the warrant is amply sufficient; that even if it were not sufficient, your Lordships have no power whatever to decide against the validity of the warrant, it being a mere matter of practice; that we may in an action of pleas pray in aid the allegations in the plea, not for the purpose of ekeing out the validity of the warrant, but in order to show that the House had jurisdiction over the matter, and that they proceeded in this particular case against the plaintiff. And then, in the third place, I have clearly and distinctly shown to your Lordships overwhelming authority as to the right of the House of Commons to proceed in the particular way in which they have acted upon the present occasion; and I submit, therefore, that upon all those three points I am entitled to your Lordships' judgment. But, my Lords, that does not conclude the question here, because there is still—

Lord *Denman.*—We must postpone the further hearing of this case.

Mr. *Solicitor-general.*—The other point, which I shall merely state now for the convenience of your Lordships, is this: I am sorry to be put to argue it, as I was in hopes that, before we arrived at this stage, your Lordships would have been satisfied; but I mean to argue, although very reluctantly and very unwillingly, that even supposing your Lordships should come to the conclusion that this proceeding is erroneous and void, still there can be no action maintained against the officer who obeyed the orders of the House, and executed that warrant. I mention that now for your Lordships' convenience.

Mr. *Kelly.*—Will your Lordships intimate when this argument will be continued?

Lord *Denman.*—On Tuesday.

[Adjourned till Tuesday next.

Argument.

19 Nov. 1844.

Mr. *Solicitor-general.*

Second Day.—Tuesday, 19th November 1844.

Mr. *Solicitor-general.*—My Lords, in arguing this case on Friday last, your Lordships may recollect that I refused to confine myself to the narrow and technichal ground which formed the principal basis of my learned friend, Mr. Kelly's argument; but finding, by the reasons which were assigned for the demurrer, and by the observations of my learned friend, that powers and privileges of the House of Commons which had been the longest recognised, which had been the earliest exercised, and which were essential to the discharge of their constitutional functions, were assailed, I felt it to be my duty to call your Lordships' serious attention to the important principles which were involved in the discussion, and confidently to anticipate your Lordships' decision in favour of the defendant.

The case of Stockdale *v.* Hansard having been alluded to in the course of my learned friend's argument, I took occasion to remark, that, without trenching at all upon that decision, but in perfect conformity with the principles upon which that case was decided, and more especially with the pointed dicta of all your Lordships, which appear almost to have anticipated the present question, your Lordships might come to a decision in favour of the defendant; and I then proceeded, more particularly, to invite your Lordships' attention to the mode in which this question was raised upon the record. I pointed out that there was an assertion in our plea of the existence of ancient usages and privileges of the House of Commons, and of the law and custom of Parliament, upon which all the proceedings were alleged to rest, and I thought it important that I should advert to an observation which was made by one of your Lordships in the case already referred to, that in the case of Stockdale *v.* Hansard there was no assertion of the existence or exercise of the particular privilege which was claimed, and the effect which would have been produced by such an allegation, followed out by demurrer on the part of the plaintiff. I pointed out that in this case, distinguishing it from that one, there were allegations of the most pointed and precise description, followed by demurrer on the part of the plaintiff.

My learned friend, Mr. Kelly, having, in the course of his argument, ventured, in the most positive and boldest language, to deny the existence of any right or power in the House of Commons to summon witnesses before them, and to compel their attendance, I thought it important that your Lordships should be directed to the authorities upon that subject; and I referred more especially to the Journals of the House of Commons, which, however decried by my learned friend, are pointed to by my Lord Coke as the great sources of authority for the law and custom of Parliament. My learned friend having relied upon Lord Coke as his principal authority for the greater part of his positions, I showed how essential those powers were for the discharge of the constitutional functions of The House, and pointed out that they had been repeatedly recognised by different authorities, to which I directed your Lordships' attention, and more especially by the pointed admissions of their existence which were made by your Lordships, who decided the case of Stockdale *v.* Hansard.

Having, therefore, established those positions upon what, I trust, will be found to be the firmest foundation, I proceeded then particularly to advert to the question of the validity of the warrant, and of the power which this Court would exercise to question its validity, dependent, as it was, upon the practice of The House. In the course of my observations upon that part of the argument, I offered such answers as occurred to me to the objections which were raised by my learned friend to the form and to the substance of the warrant; and I should wish to make a few additional observations upon this part of my learned friend's argument before I conclude. My Lords, the objections which my learned friend takes to the warrant are these: that it does not allege any charge against the plaintiff, nor any offence of which he had been convicted, nor any legal grounds for arresting him; and in regard to the form of the warrant, that the authority to the Serjeant-at-Arms, the officer of the House of Commons, does not pursue the Order of The House, my learned friend stated that the defendant must stand or fall by that warrant, and that it was not competent to him to refer to the other allegations in the plea, for the purpose of laying a foundation for the exercise of the jurisdiction of The House. For the purpose of impeaching the validity of the warrant, my learned friend adverted to various authorities derived from my Lord Coke, from Lambard, and from cases which had been decided in the Courts, which are applicable to the

warrants

Argument.

19 Nov. 1844.

Mr. *Solicitor-general.*

warrants of justices of the peace; and I ventured to say upon that occasion that I would not accept the analogy; that I would not argue the case, on the part of the House of Commons, upon that low footing; that I would challenge for the warrant of the House of Commons a higher authority and consideration than could be claimed for those warrants to which my learned friend referred; and that they were not, I contended, to be scanned and criticised in the same manner. Upon reflection, I am satisfied that I was right in the view which I then took; but, at the same time, I should even be content, upon the authority to which I wish to refer your Lordships, to accept, for the moment, the analogy which had been offered by my learned friend, and to show your Lordships that, consistently with that analogy, there is a direct authority for saying that this warrant would be a perfectly valid warrant, supposing it had emanated from even a lower authority than that of the House of Commons.

My Lords, the case to which I beg particularly to call your Lordships' attention is the case of George Goff, which is in 3d Maule and Selwyn, page 203: "Goff was committed to the county gaol by warrant of two justices, upon complaint made against him, for that he having been duly appointed collector of the rates for the parish of Richmond, pursuant to Statute 25 Geo. 3, c. 41, refused to account and pay over the monies collected by him by virtue of the Act to *W. S.*, the person duly authorized to receive them, and the justices adjudged that he should be committed to the gaol, there to remain without bail or mainprize until he should have made a true and fair account, and until such money as upon the said account should appear to be remaining in his hands should be paid by him or his sureties to *W. S.*" That is an adjudication like the Order of the House; "and they required the keeper of the gaol to receive and safely keep him until he should be discharged by due course of law; and because the warrant directed that he should be detained until he was discharged by due course of law, Curwood on a former day obtained a habeas corpus, contending that the warrant was read, and recited Yoxley's case, Braey's case, Hollingshead's case, and Baldwin *v.* Blackmore, and now (the prisoner having been brought from court, and the warrant read), Marryat contended that the commitment was well enough." Then the question is argued, and Lord Ellenborough, Chief Justice, says, "If there was any uncertainty on the face of the commitment I should have agreed with the argument; but coupling the premises with the conclusion, is it not in effect the same as if the warrant had directed the gaoler to detain the party until he had accounted? We must read the warrant as if the magistrates had in the conclusion recited over again the adjudication." And Mr. Justice Le Blanc says, "Some precise authority ought to be shown to justify the Court in adopting the objection made to this warrant. When the party has accounted, and paid over the money, he will be entitled to be discharged by due course of law."

My Lords, the authority of this case is recognised and established in the case of Daniell *v.* Philipps, which is in 1st Crompton, Meeson & Roscoe's Reports, p. 662. That case, however, turned upon a different point; it turned upon the effect of the 7th and 8th of George the 4th, c. 30, sect. 24, and it explains an observation that was made by Mr. Justice Coleridge, in the course of the argument on Friday last. His Lordship asked, whether in an action brought against a magistrate, upon a warrant of commitment issued by the magistrate, it was not a defence to the magistrate if he showed that there had been a good conviction. It depends upon this very Act of Parliament on which this case was decided upon, the 7th and 8th of George the 4th, c. 30, which provides——

Mr. Justice *Coleridge.*—I did not mean to express any opinion, Mr. Solicitor, because I was aware that the case of Wickes *v.* Clutterbuck, in the Common Pleas, decides the contrary; Daniell *v.* Philipps may be considered rather in contradiction in some respects.

Mr. *Solicitor-general.*—It depends entirely upon the words of the Act of Parliament. The Act of Parliament enables a magistrate to set up a good conviction, even supposing the warrant is defective in terms. It was a mere incidental remark, as I referred to the case of Daniell *v.* Philipps, for the purpose of calling your Lordships' attention to the recognition of the authority of Goff's case.

Lord *Denman.*—The 7th and 8th of George the 4th was after Wickes *v.* Clutterbuck.

Mr. *Solicitor-general.*—Yes, my Lord, it was. The 7th & 8th George 4th, c. 30, s. 39, enacts, that no such conviction or adjudication made on appeal, therefore, shall be quashed for want of form, or be removed by certiorari or otherwise into any

Argument.
19 Nov. 1844.
Mr. *Solicitor-general.*

any of his Majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same." Mr. Baron Parke, in delivering the judgment of the Court in Daniell *v.* Philipps, said, "In the present case the conclusion of the warrant of commitment is clearly wrong unless the words 'unless he be released by the due order of the law' are equivalent to the qualification which the statute requires, and which ought to have been introduced; viz. unless the money should be sooner paid. But that they are not equivalent appears by Dr. Groenvelt's case, and by the Mayor and Churchwardens of Northampton's case, and Yoxley's case. The case of Goff is no authority to the contrary, for there was no uncertainty on the face of the commitment; the adjudication was recited, and was correct; and the Court construed the conclusion of the warrant with reference to the recital in the warrant itself. There is no doubt, therefore, in our minds but that the conclusion of this warrant of committal is wrong, and the commitment void unless it be aided by the 39th section above referred to." Then his Lordship reasons upon the words of the Statute, and he then goes on in this way: "Our opinion is, that as both instruments must be looked at by all parties concerned in the validity of the warrant, whenever there is any defect in it both are to be read together, and to be held explanatory one of the other, and if thus reading them the conviction justifies the commitment so explained, it is sufficient. Taking the two together in this case, the conviction explains the ambiguous words at the end of the commitment, and they may, on the principle of the decision in Goff's case above referred to, be construed by aid of the conviction to mean that the plaintiff is to be imprisoned for a month unless the money be in the meantime paid."

Now, my Lords, applying these authorities to the terms in which the present warrant is expressed, your Lordships find that that warrant recites the Order of the House of Commons that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, and it directs the Serjeant-at-Arms to take him into custody. If Goff's case and the other case in the Exchequer, to which I have directed your Lordships' attention, are authorities for the position that even in the case of a subordinate officer his warrant may be made good by reference to a recital in it, and which is to be taken as a part of it, and as explanatory of the authority conveyed, it distinctly appears what was the act for which the plaintiff was to be taken into custody by the Serjeant-at-Arms; and it explains further the objection which my learned friend has made here, that he was to be taken into custody, and that there was no statement whatever made what the Serjeant-at-Arms was to do with him. Here is a reference to the Order of the House of Commons that he was to take him into custody for a specific object, that object being that he should be brought before The House.

It is clear, therefore, if I am right in this view which I have now presented to your Lordships, that that reduces the objection of my learned friend to the warrant, at all events, to a mere formal objection. Your Lordships find that upon the warrant itself there is an Order of the House of Commons, which Order, according to Mr. Justice Bayley's opinion, expressed in Burdett *v.* Abbott, is equivalent to a judgment. My Lords, that learned Judge says, in page 159, "When The House make an Order that their Speaker shall issue his warrant, they do not direct him to do it as a subordinate minister to them, but only as being the individual Member of greatest dignity in The House, by whom, on this and other occasions, The House speaks and acts, and his act in this respect is not, I think, the act of an officer, but the act of a Member of The House; but if it were the act of an officer of The House, acting under and by virtue of its judgment on the subject-matter, I cannot help thinking that where a court has competent jurisdiction to decide upon a point, and has decided and given judgment upon it, and they direct their officer to carry that judgment into execution, the officer is protected by that judgment; if the court have ordered him to do that which was within their jurisdiction to order, he is bound to obey their order." Now his Lordship there puts it precisely upon the footing of a judgment, the direct order in the particular case.

Then, my Lords, there being nothing whatever to show (I am putting the argument now low, in favour of the defendant) that this Order is inconsistent with the practice of The House, your Lordships will intend everything in favour of the jurisdiction apparent now upon the face of the warrant, just in the same way as you would intend everything in favour of the practice of a court of co-ordinate jurisdiction

Argument.
19 Nov. 1844.
Mr. *Solicitor-general.*

jurisdiction, if the question were to be brought before you to decide upon any warrant or authority of law emanating from that court. I have shown your Lordships that in instruments of this description, issuing out of your own court, or out of any of the superior courts of co-ordinate jurisdiction, there is never any recital of the prior preceedings, and especially with regard to attachments issuing from the Court of Common Pleas, that they are in the most general and indeterminate form which can possibly be imagined, not giving the party the slightest intimation of that for which his attendance is required. I therefore submit that your Lordships here will intend from the warrant itself that it was issued in a matter over which The House had jurisdiction, there being nothing whatever to show that it was in the least degree contrary to the practice and usage of The House.

My learned friend, Mr. Waddington, has put into my hand an authority, to which I think it right to allude, upon that part of the case as to referring to the Order to evidence the validity of the warrant, the case of Coster *v.* Wilson and another, which is in 3d Meeson & Welsby, page 411: "A warrant of commitment under the 11th Geo. 2, c. 19, s. 4, did not state that there had been a complaint in writing to the justices, or that the examination of witnesses was upon oath, but it referred to the order of the justices (for payment of double the value of the goods removed) in which those matters were stated." It was "held sufficient, and that the justices were not liable in trespass."

I therefore am content in this part of the argument to take what has been said by my learned friend, that the defendant must stand or fall by the warrant. I have shown your Lordships that the warrant is valid by reference to the order which is recited in it; and I have shown by a variety of authorities, to which I called your Lordship's attention during the course of the argument on Friday last, that neither will this Court, nor will any other court, interfere with the practice of a court of co-ordinate jurisdiction. But, my Lords, if your Lordships should consider that you ought not to make that intendment which I submit you would make, then I am entitled to pray in aid the allegations which are contained in the other part of the plea, which show that the House of Commons were proceeding in a matter in which they certainly had jurisdiction, and that they proceeded in that matter according to ancient usages and privileges of The House, and the law and custom of Parliament; and there is, therefore, a complete authority shown upon the face of these pleadings.

My Lords, the only other matter to which I should consider it necessary to direct your Lordships' attention, are those objections, which my learned friend almost apologized for taking, to the form in which the allegations are contained in the plea, and there is only one of those to which I shall consider it necessary to advert. My learned friend says that throughout the pleas it is alleged that the plaintiff had notice of the Order of the House of Commons, but that in none of the pleadings is it stated that he was served with the Order. When my learned friend stated his objection, Mr. Justice Coleridge asked, "Do you mean to say that personal service is necessary?" Upon which my learned friend said, "It is impossible to say, because we can know nothing of the practice of the House of Commons." But the first observation which I should make here is that this is not alleged as a cause of demurrer. If it is merely formal, of course that would be an answer to the objection; if it is meant as an allegation of matter of substantial objection, then I apprehend that all that is necessary to render the notice a sufficient notice will be intended, and will be supplied to the allegation. For that I will just call your Lordships' attention to the authority of the Dean and Chapter of Windsor *v.* Gover, which is in 2d Saunders, page 305. In the course of the argument various authorities were cited; I merely read to your Lordships the course of that argument to show what a complete answer it is to this objection of my learned friend. "It is said that the plaintiffs being a corporation aggregate, had received rent from the assignee and accepted him to be their tenant; but it is not shown that such acceptance is by deed under their common seal, and without that there could be no acceptance; wherefore the plea was insufficient; and so the matter of law would not now come in question as he concluded. But to this it was answered, that if a deed be necessary, it is implied in the plea; for an acceptance being pleaded, everything that makes it to be a good acceptance is implied, for otherwise it is no acceptance at all; and there are several cases to this purpose. In Plowden's Commentaries, 149, pleading that abbot and convent made a lease for life without showing any warrant of attorney under their common seal to make livery, is good. So in Croke (James), 411, the bailiffs and commonalty of

Argument.
19 Nov. 1844.
Mr. *Solicitor-general.*

Ipswich entitled themselves and did not show any letter of attorney under their common seal to receive livery, and without such letter of attorney the feoffment could not be good, yet the pleading was ruled to be good enough, because such letter of attorney was implied in the pleading; and so in Croke (Charles), 169, an entry for a forfeiture was pleaded to be made by the Dean and Chapter of Norwich, being a corporation aggregate, as the plaintiffs are here, and an exception was taken to it that there was no deed or warrant to enter alleged by them to be under their common seal; but the pleading was adjudged good because a sufficient entry shall be intended, and all necessary circumstances are implied." And then in a note of the learned editor there is this: "It is also said by Lord Coke, that all necessary circumstances implied by law in the plea need not be expressed, as in the plea of a feoffment of a manor, livery and attornment are implied." I do not know that I ought to trespass further on your Lordships' notice upon a point which my learned friend almost apologized for making, because the authorities seem to be numerous and precise upon the subject. In this case, even supposing a personal service to be necessary to make a complete notice, we have alleged that there was notice, and therefore as the plaintiff might have raised the issue of no notice, and we should then have been obliged to prove as a fact notice in the proper form of law, so now by demurrer he must be taken, at all events, to have admitted that there was a notice such as the law recognises.

Upon the last occasion, I mentioned to your Lordships that there was another point which at that time I was disposed to make, although I was extremely reluctant to do so, namely, that whatever might be your Lordships' opinion with regard to the validity of this warrant, yet it would furnish a protection to the officer of The House. My Lords, upon consideration, I think that I ought not to take that point: I think that it would be more becoming the dignity of the House of Commons to insist upon the validity of the whole of their proceedings than to attempt to shelter their officer by any authorities, assuming that your Lordships could be of opinion that their proceedings were not valid. I entertain the most perfect confidence that your Lordships, upon the argument which I have ventured to address to you, will come to the conclusion that the proceedings are regular, and that they furnish a complete justification; and feeling confident upon that subject, I should diminish in some degree the apparent strength of my own conviction, and of any argument which may have made an impression upon your Lordships, if I were for one moment in the course of the argument to suppose that those proceedings were invalid, and yet that they would furnish a protection to the officer.

Upon the whole, therefore, I submit that your Lordships now seeing that this is a proceeding which is admitted to have taken place in pursuance of the ancient usages and privileges of The House, will either upon the authorities which have been addressed to you, or upon your own knowledge of the law of Parliament, which is a part of the law of the land, take cognizance of the existence of this power; that this power has been exercised in pursuance of the ancient practice and usages of The House; that there are authorities to show that even the form which has been adopted is perfectly correct if it has emanated from an inferior authority than that of the House of Commons; and under those circumstances, I certainly do feel confident that your Lordships will come to a conclusion in favour of the validity of the pleas, and will give your judgment accordingly.

REPLY.

Reply.
19 Nov. 1844.
Mr. *Kelly.*

Mr. *Kelly.*—My Lords, in proceeding to address your Lordships in reply in this case, I must take the liberty of stating that I conceive nothing that has fallen from me in the course of the argument which I had the honour to address to your Lordships on Friday last can at all warrant my learned friend in supposing that I, or even the argument which I then humbly ventured to submit to your Lordships, can have any tendency to bring the House of Commons into degradation or contempt. My Lords, I beg to state that, like my learned friend, I respect the House of Commons, and I respect its privileges, and I know not why my learned friend should suppose that I can have any desire to cause those privileges or powers of The House to be underrated, or to cease to be treated with that respect in

Reply.
19 Nov. 1844.
Mr. *Kelly*.

in this case to which both are undoubtedly entitled. But, my Lords, I do say, with equal freedom, that if I find the privileges of the House of Commons made to conflict with the just rights and liberties of the people of this country, I do impeach those privileges, I will deny those privileges, and I will, so far as I am able, in this court and elsewhere, insist upon the maintenance of the rights, above all, of the personal liberty and the general liberty of the people of this country. My Lords, it is because I feel that the privileges of the House of Commons, as claimed by my learned friend upon the argument on this record, are directly inconsistent with that right to personal liberty sanctioned and provided for by Magna Charta, and continued to be enjoyed by the people of this country, with more or less of struggle and resistance, from the time of Magna Charta down to the present time, that I do call upon your Lordships to hold that these proceedings under the authority of the House of Commons cannot be maintained by the law of this country.

And now, my Lords, first, with regard to the great question of the validity of this warrant. My Lords, I have not observed that my learned friend has made any observations upon the authorities which I have cited to show that where an arrest has been made under a warrant issuing from any court of justice, and imprisonment has taken place under that warrant, it is necessary to set forth the warrant in pleading it as a justification for that arrest. My Lords, the authorities to which I referred your Lordships, and which have not been denied or impeached, show that it is necessary to set forth the warrant; and accordingly the warrant is here upon this record necessarily set forth, and set forth as a justification for the defendant for imprisoning the plaintiff.

Then, my Lords, it being admitted upon the record that the defendant has imprisoned the plaintiff, so that, *primâ facie*, there is a right of action of trespass by the plaintiff against the defendant, and the defendant himself expressly and directly averring that that imprisonment took place under and by virtue of a warrant, and he setting forth that warrant, being a warrant in writing, and now appearing upon this record before your Lordships, the question is, whether that warrant so set forth does constitute a justification in law on the part of the defendant. And now, my Lords, let me endeavour to set myself right with the Court against another part of the argument, or the address, of my learned friend, repeated upon several occasions. My learned friend said, over and over again, that I had offered to him this challenge and that challenge, and had made this claim and this assertion. My Lords, I was much misrepresented, I am sure quite unintentionally, by my learned friend, as to what I did submit to the Court, or as to any challenge, if I may use the expression, that I threw out to him. But, my Lord, this I did say, that if my learned friend could bring before the Court any authority at all to show that a warrant, under which a subject of this realm had been imprisoned, and which set forth no cause at all for that imprisonment, had ever been held valid in a court of law, I should at least admit that the researches of my learned friend had been rather more profound or more fortunate than mine. But, my Lord, throughout the argument, and with all the authorities that my learned friend has cited, there is none to show, there is not even the semblance of an authority to show that any single warrant, writ, or other mandate or instrument under which a subject of this realm has been for one moment imprisoned, has ever been held to be valid in law unless it set forth, in some terms or other, some cause, some purpose, to justify that arrest. My learned friend has talked of the necessity, as urged by me, of setting forth the offence. I do not say that a person may not be imprisoned without having committed an offence. But let us look throughout the whole range of the law, and it was to this that I invited my learned friend by way of challenge, if he deem it so. Look at the writs in civil process, whether in mesne process or in execution; look at the warrants in criminal cases, whether warrants to apprehend, to commit for trial, or warrants to commit after conviction; look at the middle case, partly civil and partly criminal, the writs of attachment issuing out of all the superior courts known to the law of this realm, and whether in one case or the other, whether in criminal cases or civil, whether the subject-matter be described with more or less certainty, with more or less technicality in point of form, where is there anything to be found pointing at this in the practice of the Court, or of any officer for the Crown, to the lowest officer or bailiff. That a warrant showing no cause at all for the arrest of a party has been held sufficient to justify the arrest of one of Her Majesty's subjects, I deny, and I may do so with confidence, now that the argument of my learned friend is concluded, and the

Reply.
19 Nov. 1844.
Mr. *Kelly*.

result of his researches, and those whose assistance he has, is now before the Court; I do with all confidence, but humility, deny that the law of England recognises, or can recognise, the validity of such an instrument.

Then, my Lord, what is the question upon this part of the case, and how is it affected by the authorities now before the Court? Here is a warrant, to which I need not again call your Lordship's attention. It recites an order of the House of Commons, that the plaintiff should be brought to the Bar of The House, I think, or sent for in custody; that is, that the plaintiff should be imprisoned; and then it proceeds to order its officer to seize and apprehend the body of the plaintiff accordingly; that is the warrant. Not only is no offence stated, no charge of any offence, no suggestion, no suspicion of any offence, but (and this is the great and prominent objection that I have made throughout to this warrant) there is no cause at all. It is not, arrest and bring the party before the House of Commons, in order that he may be made to give evidence upon a matter touching the welfare of the realm; it is not bring him before the House of Commons, in order that he may answer to a charge of contempt; it is not, arrest him and bring him to the Bar of this House, in order that he may hear what, in this House, or by this House, shall be alleged against him, whether of a civil or criminal character; it is nothing of the sort; there is absolutely no cause whatsoever specified; and if this warrant be held by this Court to be valid in law, it can only be by upholding and establishing, by the decision of this high Court, the power of The House to command the arrest of every subject of the realm, and the same of the House of Peers, which has co-ordinate privileges, without cause, purport, or object, in anyway assigned at all. And, my Lords, when my learned friend talks of not condescending to argue this or that point, or to recognise this authority or that authority, as cited by me, as applicable to the question of the right of the House of Commons to imprison a subject, am I in an English court of justice, the highest Court in the realm, to be driven to argue the question whether any person, or any body of persons, or any power in the State, has a right to imprison any one of Her Majesty's subjects without any cause at all, without giving the subject the power of determining whether the imprisonment is lawful, as it is the duty of every subject to do before he submits, and without giving him the means of bringing himself before a court, and without giving the court the means, or the opportunity, or the power of deciding whether he is justly imprisoned or not? My Lord, does the burthen of the argument lie upon me? Am I called upon to argue that there does not exist such a power, when, throughout the whole course of the law, no record or trace can be found pointing to such a power in the Sovereign, the House of Peers, or the House of Commons, down to the lowest officer or bailiff, or bailiff's follower, in the realm?

My Lords, my learned friend has undoubtedly, with great zeal and great industry, referred to various instruments or mandates recognised by law, under which, as he contends, arrests by law have taken place, and which he puts upon the same footing as this warrant, and he seeks thus to satisfy your Lordships that this warrant, by analogy to those other instruments, may be held valid. My Lords, the only document that I have observed, to which my learned friend has referred, calculated even to raise a doubt or question upon the subject, is the writ of attachment issued, not by this Court, but by the Court of Common Pleas, and my learned friend, to whose object and argument it is undoubtedly convenient that there should be some obscurity in the application of any authorities that he may bring forward, leaves it, or at least to me he has left it, somewhat doubtful whether he means to use this form of writ of attachment issued by the Court of Common Pleas against its own officers as an authority to show that there may be an arrest upon mesne process, that is, upon a mere charge of a contempt, and before an attachment, or whether he means to apply it as an authority to show that a writ of attachment, or some mandate, may issue, and lawfully issue, under which a subject may be imprisoned, and which may set forth no cause at all. But, my Lords, I will take it in each alternative.

If it be used as an authority to show that a party may be arrested under this very ancient writ in use and practice in the Court of Common Pleas without setting forth any cause at all, I beg to observe to your Lordships, that it does set forth a cause, and that a cause of which this Court may and must take notice, and remembering that that is the Queen's writ issued out of the Court of Common Pleas, one of the superior courts of Westminster Hall, by that Court against its own officer, and that officer a sheriff, an officer as ancient as the law of England itself,

Reply.

19 Nov. 1844.

Mr. *Kelly.*

itself, I apprehend your Lordship will find that so far from stating no cause at all for the arrest, as is the case with this warrant, it states good and abundant cause to justify the arrest. Now, what is its form? Its form is this; it is, "To the coroner of the county," whoever he may be, "greeting: We command you that you attach , esquire, sheriff of the said county, so that you may have him before our justices at Westminster, on next after ." Now, is there no cause, no object, no reason, no purpose stated for which this warrant is issued? It is this: "To answer to us of and concerning those things which, on our behalf, shall then and there be objected against him."

Now, my Lord, if this had been the case of a warrant issued by the House of Commons against one of its own officers, and so far from stating no cause at all, it had been a warrant to apprehend that officer, and to bring him to the Bar of the House of Commons, there to answer such matters as should be alleged or objected against him by that House, then the cases would have been parallel; then my learned friend might have said, If you object to the form of this warrant that it does not specify an offence, that it only authorizes the officer to arrest the party in order that he may be brought to the Bar to answer such matters as shall be objected against him there, the matter would have appeared; it would have been to answer to such matters as should be alleged or objected against him. There would have been a cause, and the only question would have been, whether that was sufficient, and if that was a mandate as old as the law, it would justify the arrest. But when my learned friend uses this as an authority to show that an ordinary arrest, not of an officer of the House of Commons, but any individual, one of Her Majesty's subjects, even if this be construed to be an order to bring to the Bar of the House of Commons, but without saying at all for what; without saying that it is to answer to a charge of felony, or to answer to a charge of contempt, or to answer to anything at all; without saying that it is to force him to be put upon his oath, to subject him to examination, or to what other purpose; I can only observe, my Lord, that the two instruments are totally different. In the writs which have been issued by the Court of Common Pleas, there is matter and cause alleged; there is an object alleged, and it is alleged in the clearest and most precise terms; it is to answer to such matters as shall be alleged or objected against him.

And, my Lords, although my learned friend has again charged me with challenging him to produce any instance of instruments of this character, I beg to remind my learned friend that, in the course of the argument, I felt it my duty to bring under your Lordships' attention warrants issued, not by the superior courts of record in Westminster Hall, but by mere magistrates, during the whole or the greater part of the 17th century, which are precisely in this form; magistrates issuing their warrants to bring persons before them to answer to such matters as shall be objected against them by our Sovereign Lord the King. Therefore, so far from denying that such instruments do exist under the law of this realm, I admitted it; I brought them under the attention of your Lordships, and submitted them to the attention of the Court. At the same time I felt bound to say, and I say still, that the better opinion is that these warrants are not according to law. Lord Hale declares them to be void; Lambard likewise declares them to be void; and I may venture to say, that custom and practice in this kingdom have pronounced them to be void, at least to be voidable, because they appear to have existed for the first time about the reign of James the First, and they appear to have been discontinued from the time of the Revolution. No trace of such a warrant is to be found during the last century, or of course during the present century.

But your Lordships are not called upon to decide whether a writ issued by the Court of Common Pleas, or a warrant issued by a magistrate, to answer to such matters as shall be objected against the party to be apprehended, be valid or void; I should hope if the time should ever come for that question to be decided, it will be held that such a warrant is void; but it is enough for me to say that that is not the question here. This warrant is not a warrant to apprehend the party and to bring him before any tribunal to answer to such matters as shall be objected against him, but it is a warrant simply and merely to imprison the party, without stating the purpose, the object, or the cause at all.

Mr. *Solicitor-general.*—Just allow me to say with regard to attachments issuing out

Reply.

19 Nov. 1844.

Mr. *Kelly*.

out of the Common Pleas, they are not confined to sheriffs, they are attachments applying also to other persons.

Mr. *Kelly*.—I was going to say my learned friend need not have supposed that I was going to quit the subject of attachments, because it is necessary that I should pursue it in order to show another unintentional mis-statement of the practice of the Court of Common Pleas, which my learned friend seems to have fallen into with regard to writs of attachment. In the case to which I had occasion to refer your Lordships, in which so many of the Judges commented upon the intended written judgment of Chief Justice Wilmot, (to be found in Wilmot's Book, or Wilmot's Judgment,) your Lordship will remember that it is stated that the writ of attachment and the power to issue attachment for contempt out of all the superior courts is as old or older than Magna Charta. If, therefore, we find that all the superior courts of Westminster Hall have issued this writ time after time from the very earliest period, and if we find that these writs are in one settled invariable form, we must say that no objection can be made to that form, although if they had been of modern origin they would be open to doubt and impeachment. If it be the case that the Court of Queen's Bench, or the Court of Common Pleas, or the Court of Exchequer, or any superior court has from time immemoral been in the habit of issuing any writ, the form of that writ cannot be questioned, because the form is as much part of the common law as the form of civil process or criminal under which one party or another can be arrested.

My Lord, the writ of attachment seems also to have been treated as an authority for the proposition, that a party can be arrested upon a charge of contempt, that is, not upon a contempt found and adjudged against him, but upon a charge of contempt; and reliance seems to have been placed upon the words, "To answer to such matters as shall be objected against him." But, my Lords, it must be remembered that this writ itself never issues but upon contempt found and adjudged. I repeat emphatically what I stated in the opening of this argument, that there is no instance to be found in any court of any writ or process issuing to apprehend and imprison a party upon a charge of contempt only. The meaning of these words, "To answer to such matter as shall be objected against him," and the meaning of this writ issued by the Court of Common Pleas, is to be found in the practice of the Court itself, and that practice is this, for it is substantially the same in both courts, and it is the same whether it issue against any party who may in any way have committed a contempt of the Court, that the writ never issues except upon a contempt found.

Now, my Lords, contempts are of various kinds. They may be committed by the sheriff or any other officer, by disobedience to the Queen's writ; they may be committed by private individuals, by a disregard or disobedience to any rule or order of the superior court, or by any insult or disturbance or other offence committed in open court, or in respect of the court, or in respect of its process, which will amount to contempt in the judgment of the court. And with regard to these writs of attachment for such contempt, they are either absolute in the first instance, or they are upon a rule to show cause. Where they are upon a rule to show cause, I need not say here that the practice is well settled that the party cannot be apprehended; he must be served with the rule, personal service must be effected. Then being served with the rule to show cause, he comes and shows cause, or if upon the proof of personal service he fails to appear, then the court enter upon the consideration of the matter, and either upon default, if he do not appear, or upon insufficient cause shown, find him guilty of contempt, and adjudge that contempt has been committed, and then and then only do they issue attachment. So that down to this point there is no arrest by any court of Westminster Hall upon a a charge of contempt only; even where the attachment is absolute in the first instance, still it is upon a contempt found and adjudged; and then, although in form it is absolute in the first instance, when we look at the cases, few in number, in which attachments have been granted upon motion in the first instance, they are substantially only after cause shown, or an opportunity to show cause. Take the case, the principal one I believe, I will not venture to say the only one, but the principal one as applicable to parties not officers of the court, attachments for not paying a certain sum for costs pursuant to the Master's allocatur, that is absolute in the first instance; still it is for contempt found. In the first instance the contempt is found; he is guilty of contempt in not paying the costs, pursuant to the Master's allocatur, and he is imprisoned therefore upon a writ of attachment, not upon a charge, not in order to bring him forward to answer to a charge that is to be

Reply.

19 Nov. 1844.

Mr. *Kelly*.

be made against him, but because he is adjudged guilty of contempt in not paying the costs in question.

But again, my Lord, is that substantially imprisoning a man without calling upon him to answer? It clearly is not; because the very ground upon which an attachment will issue in the first instance, for not paying the costs, pursuant to the Master's allocatur, is that the party has not had an opportunity of defending himself against the claim made upon him to pay costs, because the costs are awarded in a cause in which he has had judgment against him, or upon a rule which has been made absolute or discharged with costs against him; so that before he has become liable to costs, for the nonpayment of which the attachment ultimately issues, and imprisonment is effected, he has had an opportunity of showing cause, of showing why costs should not be awarded against him; and even where the party has shown an insufficient cause for not paying the costs, and he has had judgment against him for the rule made absolute, he goes before the Master on taxation, for that is never an *ex parte* proceeding except where the party contumaciously refuses to appear or fail to appear; so that having first been adjudged by the Court to pay the costs, upon the amount being adjudged by cause shown before the Master, then and then only the writ of attachment issues for contempt in not paying these costs. Whatever, therefore, be the form of these writs; whether they be considered as warrants authorizing the imprisonment of the party, and so raising the question; whether there are sufficient upon the face of them, enough appears; because in this Court the writ expressly alleges that it is for his contempt; in the Court of Common Pleas, it is to answer the matters that shall be objected against him. Still the cause appears in the form of the warrant; and a warrant under which a party is to be imprisoned for contempt never issues till after the opportunity of showing cause. In many instances once or twice or thrice has passed, and the party has shown sufficient excuse, or failed to avail himself of the opportunity which he had, and then is adjudged guilty of contempt, and upon that adjudication only the writ of attachment issues. So that your Lordship sees, whether it is against an officer of the Court, or whether it is against a private individual, no one can be imprisoned under a process of attachment from one of the superior courts of Westminster Hall, without having an opportunity of showing cause against it, or resisting the warrant that is to be issued against him; and it is only upon a contempt, found and adjudged, that the party can be arrested.

Then again, my Lords, when we look at the form of the instrument, it is not at all like the warrant in question. It is not a warrant authorizing the imprisonment of the party, or ordering the party to be brought to the bar of the court, or to be thrown into gaol, without any cause except the mere mandate of the court issuing the warrant; but in every case of the only instance of looseness to be found throughout the whole range of our law, I mean the process of attachment of the Court of Common Pleas, the cause is distinctly stated: it is, to be brought before the Court to answer the matters objected. And what is the meaning of those words? Does it show an absolute power of imprisonment? On the contrary, when we look at what the meaning of those words to be found in the writ issuing out of the Court of Common Pleas, is, it rather shows a matter in favour of the subject and in favour of liberty than otherwise; because, even where the party has had an opportunity of showing cause against the writ of attachment, and having failed to show any sufficient cause, he is found guilty of contempt, and the writ of attachment issues, and he is imprisoned under it; even there the opportunity of defending himself or of purging himself has not ceased, for the practice is in all courts, where a party is imprisoned under a writ of attachment, that interrogatories may be exhibited, under which he may show cause why that writ of attachment, after he is imprisoned, should be discharged and set aside, and he be restored to his liberty. If the party can show no good cause he is imprisoned during the pleasure of the court, and that means till he has made reparation; till he has done the thing which he has been ordered to do; or, if it is not possible to make reparation in specie, till he has made what reparation he can by lying in prison under the orders of the court. Interrogatories are exhibited against him; and hence, probably, that term has introduced itself into the attachments of the Court of Common Pleas, that the party is to be arrested and brought into court, "to answer to such matters as shall be objected against him."

My Lords, it is therefore clear, looking to the peculiar form of the attachment issuing out of the Court of Common Pleas, that it is no more authority for the validity of a warrant to imprison any one in this country without any cause

Reply.
19 Nov. 1844.
Mr. *Kelly*.

assigned at all, because upon this very ancient writ cause is assigned, cause is distinctly assigned; cause having reference to the rule and practice of the courts of Westminster Hall, which your Lordships will find judicially taken notice of; whereas in the case in question no cause is assigned, and there is no reference to any usage, or any practice, or any law, of which your Lordships can take judicial notice. And, on the other hand, this writ, or anything relating to it, is no authority at all to show that the House of Commons, or any superior court of authority, which the House of Commons is, a court of the highest degree, may arrest and imprison upon a charge merely; because when this very writ issues we find that it is not upon a charge of contempt, but it is after a party has been adjudged and found guilty. So that your Lordship will see, looking at this only instrument to which my learned friend has referred as having any bearing or importance, as establishing the validity of this warrant for imprisoning without cause, your Lordship will see the obvious distinction referred to, and the well-known law and practice in that writ; but no reference to any usage, to any practice, to any law, is to be found in the warrant in question.

Lord *Denman*.—Without putting you out of your course, perhaps this is not the time for you to deal with what I am mentioning, but otherwise we should wish to know what effect you give to the words of the averment, that all is done in conformity with the ancient usage and practice of the House of Commons?

Mr. *Kelly*.—If your Lordship desires that I should ——

Lord *Denman*.—At your own convenience.

Mr. *Kelly*.—I am obliged to your Lordship; I shall not omit it. I will address myself to that part of the plea, What is the effect of the averment, supposing the defendant is at liberty to resort to it? At present I am only upon the validity of the warrant itself; I shall not forget that part of the argument. Before I quit this form of warrant, which is a writ of attachment issuing out of the Court of Common Pleas, your Lordship will observe that it is "to answer to us concerning those things which, on our behalf, shall then and there be objected against him." Now your Lordship's taking judicial notice of the grounds of attachment issuing from the superior courts of Westminster Hall, of which the Common Pleas is one, will put the only construction upon that attachment that can legally be put upon it; and inasmuch as the Court of Common Pleas has no criminal jurisdiction, the ground can only be contempt; therefore it is the same in substance precisely as if this writ were, "You shall arrest the sheriff by his body, and bring him before the Court to answer to such matters, being contempt, as we shall allege against him;" and though *primâ facie* that would seem to show that it was an arrest in mesne process for contempt, yet again, the practice, which is part of the law of which your Lordships will take judicial notice, is, that this writ of attachment never does issue till the party is adjudged and found guilty of contempt. So that there is a judgment of contempt against him. The object of answering to things alleged against him is, that he may purge away the contempt, or explain it away, or may have interrogatories exhibited.

Now, my Lords, upon the validity of the warrant I certainly must take the liberty of expressing my surprise that upon one part,—I hope I am speaking humbly,—I say not an immaterial or very unimportant part of the argument I am addressing to your Lordships, my learned friend the Solicitor-general has not done me the honour of making a single observation. I urged before your Lordships, as one of the tests by which to try the validity of this warrant, the strong, and I hope it will be deemed unanswerable ground upon which this warrant will be held void, that if the party imprisoned under it were brought by habeas corpus before this Court or any other court to be discharged, or to be remanded, as being lawfully imprisoned, it affords your Lordships no means whatever of determining whether that imprisonment be lawful or not, and that the effect of holding this warrant to be valid, in so far as regards all questions of personal liberty between the House of Commons and the people of this country, would be to hold that the House of Commons may deprive the subject of all benefit of the Habeas Corpus Act, and of all benefit of the common law right of habeas corpus. My Lords, not a single observation has been made upon that argument, and it is for that reason that I do pray your Lordships' attention to Sir Edward Coke's 2d Institutes, a very strong and important passage as affects the liberties of the subject, in which he says, "that all matters in respect of which the subject is deprived of his liberty should appear upon the instrument upon which he is apprehended, because otherwise the court cannot determine whether his arrest is lawful or not, and so he may be imprisoned

Reply.

19 Nov. 1844.

Mr. *Kelly.*

imprisoned for ever;" and when your Lordships bear in mind what may be, and I do not put it as a mere speculative matter, I had almost said what in one of the cases connected with this had been the practical consequence, a warrant of this kind may be issued, and before the party can be apprehended the House of Commons may have adjourned for three months, or six months, and the consequence may be that a party under such a warrant as this must be imprisoned for an indefinite period of time, till a prorogation or a dissolution; and if he brings himself by habeas corpus before this Court, it is impossible that this Court can tell whether he is lawfully imprisoned or not, because no cause is assigned.

And, my Lords, here we come to an important distinction between the loose writ issuing out of the Court of Common Pleas and the warrants of magistrates in the 14th century and the warrant in question. If this warrant had been a warrant to bring the party before the House of Commons, there "to answer to such matters as shall be alleged against him," which is the worst form, the form most against liberty to be found in any one instrument known to the law; if it had been in that form, at least the party who was to be imprisoned would know why he was to be imprisoned; he would know the proper term of his imprisonment; he would know how to prepare himself to make his defence; he would know that he was to be brought to the bar of The House, there to answer to matters alleged against him; and, moreover, if he brought himself by habeas corpus into the Court, and your Lordships were called upon either to set him at liberty or to remand him to custody upon the ground that the imprisonment was lawful, your Lordships would have the question simply and plainly raised before you, "Has the House of Commons authority to apprehend a party, not upon conviction of a charge, but merely upon a general charge, to answer generally to such matters as shall be alleged against him, and your Lordships would be bound to decide that question. You would have the means of deciding it; you would have the power of deciding whether by law the power exists in the House of Commons; if it does exist, the party would be remanded to his original custody; if it does not, he would be set at liberty, as he ought to be. And I again ask, as connected with one of the most important rights of British subjects, and I entreat your Lordships to consider it, if any individual were to be imprisoned by the House of Commons under such a warrant as this, were to endeavour to obtain the benefit of the habeas corpus, which is one of the most powerful and sacred shields of protection afforded by law to the subject; for personal liberty to him is a dead letter; because, upon bringing before your Lordship such a warrant as this, the man being brought in custody, the House of Commons having adjourned, so that no application could be made to The House by petition or otherwise by that person, no direction having been given by The House to the officer as to what he is to do with him; and it may be weeks or months before The House may meet again, and before he can appeal to the mercy of The House and say, "I am imprisoned under a warrant; what have I done? What am I called upon to do? Why am I kept from my family and my business, to the ruin of my character and my peace, till the House of Commons shall assemble again to submit myself to their mercy?" What answer could your Lordships make? You must deny to the subject all right of appeal to you for protection under a writ of habeas corpus, because on looking to the warrant you find that the House of Commons has resolved that the party is to be brought before them in custody, and that he is ordered to be imprisoned; you find that he is imprisoned, and when you are called upon to consider the question of the legality of his imprisonment, there is nothing upon the face of the warrant to inform the Court why he is imprisoned, so as to enable them to come to any conclusion upon the subject.

My Lords, I have felt it my duty to offer, and I shall address, some further observations to your Lordships, in denial of the right of the House of Commons to imprison in order to bring a party before it, whether to answer to a charge or to compel him to be examined; but supposing for a moment that such a power exists, it is not stated upon this warrant whether it is to be examined or to answer to any charge; nothing is stated upon the warrant; it is therefore a mere bare order to imprison, without cause assigned. If this warrant be valid, not only must it follow that it is valid because the House of Commons have a general power of imprisonment, but also the party is entirely deprived of all benefit of relief by habeas corpus.

My Lords, let us look for a moment again to the state of the party who is imprisoned under these circumstances. He proves that there are some things for which

Reply.

19 Nov. 1844.

Mr. *Kelly*.

which the House of Commons may lawfully imprison a party. If the warrant had stated that he had been adjudged guilty of contempt, no doubt the warrant would have been good, and his imprisonment lawful; but he knows also that there are a great variety of matters for which persons have been imprisoned by the House of Commons, for which the House of Commons has no power whatever to imprison. It may be a warrant to apprehend him till he shall have paid a fine, or to answer to a charge of felony, in which the House of Commons has no jurisdiction. If that appeared upon the face of the warrant, your Lordships would at once adjudge that they had no jurisdiction, and discharge the party from imprisonment. But here neither the party himself, nor the court called upon to adjudicate, can enter into an adjudication of the question; and I submit, therefore, to your Lordships, that a general order to imprison a party, unless the House of Commons has the power to imprison for all purposes whatsoever, is an imprisonment which cannot be sustained.

Now, my Lords, in adverting to the question again of the validity of this warrant, my learned friend, the Solicitor-general, has alleged that it was the ancient practice of the House of Commons to arrest without warrant at all; to send the mace and to bring a party as a prisoner before it; and he asks how, suppose that had been done in the present case, the matter would then have stood; and he might have gone on and asked how it would have stood upon a return for false imprisonment, or how it would have stood upon habeas corpus. I apprehend, my Lord, that that would form substantially no matter of defence in the case. If the House of Commons has the power to arrest by mere personal Order, it must be a personal Order founded upon and comprehending expressly within itself good cause; that is, if it were a personal Order to the Serjeant-at-Arms to go and arrest a party, that officer, before he can lawfully arrest, or before he can lawfully justify himself, whether it be by writing or by word of mouth, must be provided with a statement of the cause for which he arrests. And let us see whether that is not essentially necessary. He proceeds; he proceeds to the plaintiff's house; he finds the plaintiff perhaps in his bed at night; he produces his warrant; the plaintiff, when he is about to be taken into custody, asks for the warrant; he looks at the warrant, if it be valid; if it show a good cause on the fact of it, it is his duty to submit; if it shows no good cause, or no cause at all, he has, by the law of the land, a clear right to resist.

Is the case different, supposing it to be a verbal authority? Suppose the Serjeant-at-Arms had proceeded to the house of the plaintiff, and had said, "I come to arrest and take you into custody," does my learned friend in this court deny that the plaintiff would have had a right to say, "For what cause?" I take it to be perfectly clear that every party who is sought to be imprisoned by another man, whether the authority be given by word of mouth or whether it exist in the form of a written warrant, has a right to know the cause for which he is to be imprisoned; and in the case of a verbal authority, the cause would be stated by word of mouth, just as in the case before the Court, it is stated in the warrant in writing; and then if the statement by word of mouth had been the same as that given in this warrant in writing, upon an action for false imprisonment, the cause would have appeared in substantially the same form before your Lordships, and you would then have had to determine whether, if the Serjeant-at-Arms had said, "The House of Commons has resolved that you be sent for in custody, and I come to apprehend you and take you into custody," that would have justified the imprisonment; just as your Lordships are now called upon to determine the question, not upon a direction given by word of mouth, but upon a warrant in writing. It can make no difference whatever. If this right of imprisonment exist, whether the matter is in writing or by word of mouth, the consequence would follow, that the officer of the House of Commons would have the right to arrest any subject of the realm, without declaring why he arrests him; so that any man may be taken out of bed at midnight, if the Serjeant-at-Arms says, "I come to arrest you by order of the House of Commons;" and the party is not at liberty to demand, or he may demand in vain, if he wish to ascertain whether he may resist or not; he is bound to yield.

My Lord, I take it to be the clear common law right of every subject of this realm, before he be imprisoned by any human being for a single moment, to ascertain from the person about to imprison him why he is about to imprison him. If it be not so, any man must in the dead of night, or at any other time, upon trust, give up his liberty to any man who chooses to come and say, "I imprison you by order

Reply.

19 Nov. 1844.

Mr. *Kelly*.

order of the House of Commons." I apprehend it is the right of any man who is about to be imprisoned to inquire, "By what authority do you imprison me?" And this, my Lord, is another test by which to try it. It is the authority to imprison, which the party declares at the time when he exercises the power to do so, that determines the right of the party sought to be imprisoned to resist or not. And see to what an important extent that consequence must prevail. If it be carried out to its fair and legitimate extent, it is this: if a man comes to arrest me at night in my own house, and I ask him for the cause, if he state the cause, or refuses to state it at all, if I resist him, it depends upon whether it is a good cause or not, if in that resistance I kill him, whether I am guilty of murder or not; and therefore how can it be doubted by any man, that before any subject of this country is to yield up his personal liberty at the demand of another, he has a right to know why he is to yield up his liberty, in order to determine whether he may resist or not.

I take it, therefore, my Lords, that some propositions are too clear to admit of doubt: one of those propositions is this, that before any man in this realm can be imprisoned, he has a right to ask by what authority that imprisonment is about to take place; that if it is stated to him to be by lawful authority, he is bound to yield; but if it be not by lawful authority, he has a right to resist, even to death, and it is no murder, in resisting, if he kill his opponent. And if the cause be stated, it follows from the consequences to which I have last called your Lordship's attention, that that is the cause upon which the party relies; and upon the validity and sufficiency of that cause depends the right to imprison.

That the cause should be stated is important in every view. It is important that the cause should be stated, in order that the party may know whether he may resist or not; in order that he may not, by resisting, be guilty of the highest crime known to the law, namely, the crime of murder. But it is important in another point of view; for his own guidance, whether he may resist the arrest, that he may know the cause. The cause is stated at the time; it is important that that cause should be stated first of all, in order to convey to his mind the real ground and reason of his arrest, and, next, in order that the party arresting may stand or fall upon that as his justification for the act which he is about to do; because, if it be otherwise, if the party arresting refuse to state any cause, the man may be imprisoned or he may resist, and that resistance may tend to a breach of the peace, murder may be committed, and the party has no means of knowing whether the imprisonment is lawful or unlawful; but if the cause is stated, it is clear that that must be a sufficient cause upon the face of it for the purpose of guiding the party himself who is arrested. But it is also important that the cause should be stated, inasmuch as it is the cause by which the party is to stand or fall; otherwise he might state a cause which was insufficient in itself, which might justify a resistance, and the resistance might lead to murder; and if he could fall back upon another cause, if he could say, "True it is I had that warrant, but I had something besides that warrant, and therefore my act was justified," the man might be found guilty of murder by something of which he had no notice being brought against him instead of that upon which he acted, and upon which, as far as it went, he had a clear right by law to act. So that I submit to your Lordships that this warrant is bad, because it shows no cause at all for the arrest, and likewise that the party must be bound by that warrant, because it was upon that warrant that the right to arrest depended; and my learned friend cannot aid his argument by urging upon your Lordships that this arrest took place by word of mouth, for, whether it was by word of mouth, whether it was by verbal authority or by an authority in the form of a written warrant, still that authority must be a sufficient authority upon the face of it to call upon the party about to be arrested to yield obedience to the law. And, my Lords, I must say, with regard to this custom of arresting by authority given by word of mouth, this, like all the other practices which my learned friend has cited, and all the proceedings of the House of Commons, are limited to that part which is a blot upon our history, limited to the worst times, that part of the seventeenth century, when every species of encroachment was practised.

Mr. *Solicitor-general*.—I beg your pardon; it was all prior to 1671.

Mr. *Kelly*.—I say it was in the seventeenth century, in the reigns of James and Charles.; I say it was at the time when the House of Commons exercised tyranny over the realm, from the Crown down to the meanest subject. But even if it was a verbal authority, it must have been a verbal authority upon some cause, and if that cause had been stated by the party arresting by word of mouth, still it would raise

Reply.

19 Nov. 1844.

Mr. *Kelly.*

raise the question, "Is that a sufficient cause?" for, if not, the party sought to be arrested would be warranted in resisting. If it be a sufficient cause, there would be a legal authority, and that authority, upon appeal to this Court, would be upheld in this present action.

Much, my Lords, has been said by my learned friend respecting the high character of the high Court of the House of Commons; he seems, I will not say alarmed, but he seems deeply solicitous that nothing shall be said or done in derogation of the authority or dignity of the House of Commons. I must say again I do not know why my learned friend should suppose that there is any wish on my part, or that there has been anything in the whole argument which I have urged, tending to derogate from the dignity of the House of Commons, of which assembly, thanks, indeed, on one occasion, to the exertions of my learned friend, I have been a member longer than he has. I say nothing against the dignity of the House of Commons; I put both its dignities and its process upon the footing of the highest Court in the realm; I do not know that I can do more. If their power is to be carried further, their power of imprisonment, their power of immunity in respect of processes, than the power of the highest Court of the realm except itself, it must be upon some ground or authority which at least my learned friend has not brought under the consideration of the Court. But, my Lord, I will content myself merely with putting it as I have put it. I admit that your Lordships are to deal with the acts and processes of the House of Commons just as you would deal with the acts and processes of any of the highest courts in the realm; but let us see what the effect of that is.

My Lords, I take this Court as the first instance. If under the process of this Court, process issuing by the express command of your Lordships sitting there, one of the subjects of the realm be imprisoned, has he not a clear right to bring an action of trespass for false imprisonment? May he not bring it in the Court of Common Pleas, or the Court of Exchequer; and will not that give to the Court of Common Pleas or Exchequer the right of determining whether the imprisonment was lawful; and will not the legality of that imprisonment depend upon the validity of the warrant, the writ or instrument, whatever it may be, upon which the party was imprisoned.

My Lords, I ask nothing for this Court which I will not concede to the House of Commons; but I say again, as one of the people of this country, I will give nothing, I will yield nothing to the House of Commons which I will not give and yield to this Court with regard to the execution of its process, with regard to the power and right to imprison a subject. Dangerous indeed it would be if the power were given. If I were to choose, I must say that the liberties of the subject would be safer under the keeping of your Lordships or any court of law, because the House of Commons, with all respect be it said, is an ever-changing body, a numerous body, where there is no legal responsibility, and where even that moral responsibility to which we all ought to be subject is divided among so many, and it is so uncertain upon whom blame or censure may fall, that at least there is not that security for the validity, the strictness, and the justice of their proceedings which we all feel we have with respect to the superior courts of Westminster Hall. But, my Lords, I put them upon the same footing. If this Court had arrested a party by their tipstaff, or by any officer at all, high or low, of this Court, and he brings his action in the Court of Common Pleas, must not the officer plead to that action, and must he not set forth the writ or warrant under which the party was arrested? Now I will put a case as near the present case as I can; I will suppose that it were not a case of arrest for debt, or any other case coming within the well-known process of law, but that this Court for some contempt, or if you please, upon a charge of contempt, if there be any such power, had issued a warrant for the apprehension of a party; the party brings his action in the Court of Common Pleas, (and in the first place I here refer to the concluding part of the argument of my learned friend. He says, he has nothing to do but to say this was done by the order of the House of Commons. If that be so, it would be equally true of murder; but your Lordships hold it untrue and contrary to the law of England in the case of libel; and I think I need hardly remark, that if an order of the House of Commons will not enable one man to publish a libel upon another, I may equally say that an order of the House of Commons will not enable a party to imprison another, and it is not an order of the House of Commons that will make an illegal act legal);—if a man is arrested on a charge of contempt in this Court, and he brings his action in the Court of Common Pleas, I apprehend nothing can be clearer

Reply.
19 Nov. 1844.
Mr. *Kelly.*

clearer than that the officer who arrested must plead the warrant upon which he rests his justification, and the Court of Common Pleas must adjudicate upon that, and will give judgment for the plaintiff or defendant, according to the validity of the warrant, which warrant must therefore be set forth.

Now, my Lords, let us see if that be so with regard to the present warrant. If this Court had committed a party to be imprisoned under a warrant in the form of the present warrant, or under a warrant in any form whatever, on which it did not sufficiently appear that there was cause for the arrest, and that that cause was a contempt, or some other matter over which this Court had jurisdiction, I apprehend that if upon such an action being brought in the Court of Common Pleas, that Court had found that though the arrest had taken place under a warrant issued out of this Court it did not appear upon the face of the warrant that it was for contempt, or some other matter which authorized the imprisonment, no respect for this Court would prevent the Court of Common Pleas from giving judgment in favour of the plaintiff; and, my Lords, I venture to submit to your Lordships that there is no distinction at all for this purpose between a warrant emanating from this Court, from the House of Lords, from the highest court of the realm, or from the Sovereign, or from any ordinary justice of the peace; it is absolutely necessary and essential before a subject can be imprisoned that matter to justify the imprisonment should appear upon the face of the warrant.

And, my Lord, I am happy to say that since I last addressed your Lordships a decision has been given in a case, certainly as like the present as any case can be, where an act of a superior court, made a superior court by Act of Parliament, was questioned. I mean the case of Mr. Van Sandan, which has been lately under consideration by the Lord Chancellor. Your Lordships may possibly be aware that there is a case now before the Court, upon which I do not anticipate any argument; it will be sufficient to say that when the case came before the Court it appeared that certain proceedings had taken place in the Court of Review. That gentleman was, he will pardon me for saying, ill-advised enough to publish some letters or papers reflecting upon that Court; it was deemed a libel upon and a contempt of the Court, and accordingly a warrant for his commitment for contempt issued, and he was imprisoned under that warrant of commitment. He denied the validity of the warrant, and contended that his arrest was illegal. He brought his action for trespass and false imprisonment; the Court of Review thought proper to issue an injunction against proceeding with that action, or against raising some point which it deemed offensive to itself in the pleadings, or in the argument upon that action and this injunction accordingly issued. Upon an appeal to the Lord Chancellor, upon which his Lordship gave his judgment since I had the honour of addressing your Lordships in the present case, the Lord Chancellor dissolved the injunction and directed that the party should be allowed to proceed with his action, and so call in question the validity of the warrant under which he had been arrested; and in the course of the judgment, to some parts of which I will call your Lordship's attention, the whole doctrine, as applicable to the case now before the Court, whether it relate to imprisonment for contempt or anything else by the House of Commons, or any other superior court, was expressed in very few concise but impressive words by the noble and learned Lord who delivered the judgment.

My Lords, it had been contended that it manifestly appeared that the complainant had been committed for a contempt. Now, the Court of Review is by Act of Parliament made a superior Court of Record, it was therefore exactly the case of any superior Court of Record, whether that Court, or this Court, or the House of Commons, or the House of Lords, issuing process of imprisonment by virtue of its own inherent power as a superior Court of Record, and your Lordship will find that the law was distinctly laid down, that any such warrant or authority, issuing from what court it may, must state, upon the face of it, sufficient cause for the imprisonment. My Lords, in the course of the judgment of Lord Lyndhurst he observes, "For the part which Messrs. Turner & Stevenson took in this transaction Mr. Van Sandan commenced an action against them in the Court of Queen's Bench. He filed his declaration; they pleaded, in justification, the order of the Court of Review and the warrant, both of which were set out at length in the plea. To this plea Mr. Van Sandan demurred. The case now stands for argument in the Court of Queen's Bench. An application was made to the Court of Review to restrain Mr. Van Sandan from proceeding in this action. The Court of Review made a qualified order upon that application; they restrained him from proceeding,

Reply.
19 Nov. 1844.
Mr. *Kelly.*

proceeding, except for the purpose of raising certain questions. The Court of Review gave him permission, upon the argument, to object to the proceeding on three distinct grounds, but restrained him and his counsel and agents from raising any other questions upon that demurrer, except those which were pointed out to the Court." Then, after some other observations, his Lordship observes: "Now, adverting to the Act of Parliament, I think the 5th and 6th of William the Fourth, the Court is declared to be a court of record, with all the powers and authorities of the superior courts of Westminster Hall." No power can be exercised by any superior court, with regard to the imprisonment of a subject, that cannot be exercised, in this case of contempt, by the Court of Review.

Then his Lordship further observes: "The next question, therefore, will be the form of the order." Now this was the order under which Mr. Van Sandan was supposed to have been found guilty of a contempt, and was accordingly committed and imprisoned. It is said that the order is vicious; that there is no adjudication of any contempt having been committed; and they say, on that ground the order is defective, and cannot be sustained. The order is, in substance, in these terms: it recites the petition, and the libel which is annexed to the petition in the form of schedule; and then it goes on in these words: "Now after" So-and-so, "for his contempt in publishing the libel in the schedule to the said petition mentioned, this Court doth order him to be committed to the custody of the warden of the Queen's Bench Prison until further order." The question was, whether the custody sufficiently appeared to give validity to the order of that warrant, and so to justify the imprisonment.

Now Lord Lyndhurst, in dealing with this case, alludes to a case decided in this Court, which your Lordships probably have in your recollection, the case of Green *v.* Elgie. His Lordship observes, "That was an order made by the Court of Review, committing Green for a contempt. Green brought an action against Elgie for the part he had acted in the transaction; the order was set out as a justification. The Court of Queen's Bench were of opinion it was no justification that the order was defective, that it contained no adjudication. The order referred to a petition; the petition, it stated, prayed that the party might be committed for the contempt mentioned in the petition. The Court heard affidavits, read and heard the arguments of counsel, and the Court taking the matter into consideration, ordered, in the same terms as the present, that for his contempt in the said petition mentioned, it doth direct him to be committed to the custody of the warden of the Fleet. The Court was of opinion that there was no distinct and general adjudication of contempt having been committed; it assumed a contempt to have been committed, and, acting upon that assumption, ordered the party to be committed. The plaintiff obtained a verdict, under the direction of the Court. When the question came before the Court afterwards, the Court were of opinion that the justification was insufficient; that the warrant was bad, because it was bad in itself, being found upon a defective order."

Now I will pause for a moment here with reference to the case of Green *v.* Elgie. My learned friend has contended, that if a superior court like the House of Commons issue its warrant of commitment, and if it have authority to commit at all, but more particularly if it have authority to commit for a contempt, and there is anything to show that the commitment is for a contempt, that any court called upon to review that order will presume that all that was done was done properly, and was within the jurisdiction of the court that had done the act; that the court, in fact, will presume, that where another superior court having the power to commit has committed, it has committed according to and within its jurisdiction. But this case of Green *v.* Elgie very clearly shows the contrary. Here was a case in which this Court was called upon to determine in an action for false imprisonment as to the validity of the order of commitment issued by the Court of Review. The Court of Review, like this Court, was a superior court of record. There was no doubt that the Court had issued its warrant of commitment for something, and that under that warrant of commitment issued by the Court, the party had been imprisoned, and it was contended there as here that your Lordships must give credence to, must presume the authority of this Court; and that as they have clearly the power of commitment, your Lordships must take for granted, not only that they have acted within their jurisdiction, but that this particular warrant contended to be invalid is a warrant issued according to the orders, and is in the proper form according to the practice of the Court; that you must presume that; that you must not sit in judgment upon their forms; that you

Reply.

19 Nov. 1844.

Mr. *Kelly*.

you must take for granted that this is within the practice of the Court. But what said this Court? They looked at the order itself. They knew that the Court of Review was a court of record; that it had power to commit for a contempt; but that there were some things for which it had no power to commit; that it had no power to commit unless the party were adjudged and found guilty of a contempt. And although there was much upon which the counsel for the defendant urged, and with apparently very great reason, much from which it might reasonably have been inferred that this was a commitment for a contempt of the Court of Review, the Court held in this case of Green *v.* Elgie, that it did not sufficiently appear upon the order and the warrant that the Court had adjudged the party to be guilty of a contempt; that the contempt appeared only by way of recital; that it did not sufficiently appear that he had been guilty of a contempt; and that upon that ground the order was void. Now see what Lord Lyndhurst says with reference to that judgment, because it is a direct authority, directly bearing upon the question before your Lordships. He is speaking of attachments for contempt, which he ranges within the class of criminal cases. After observing that the Court had held that the warrant was bad because it was bad in itself, being founded upon a defective order, he says, "In all criminal cases it is necessary that there should be a charge; it is necessary that there should be a finding or a conviction upon that charge as the foundation for the sentence; and it is necessary that everything should be accurately and strictly done. If in any of these three points there is any substantial defect, that is a ground for setting aside and reversing the proceeding."

Now I pray your Lordships to remember that we are now upon a case in which the warrant is before your Lordships for imprisoning the party, in which one of the objections we make to it is that the House of Commons has only a limited authority to imprison; that it has authority to imprison only upon a conviction for a contempt, or, for this purpose, I may assume upon a charge of contempt; there are many matters in respect of which it has no authority to commit at all. Here is a warrant generally to imprison, not saying either upon a charge of contempt or upon a conviction for a contempt, not setting forth the cause, and under this warrant the subject has been imprisoned.

Now suppose (and I know no difference in principle between the one case and the other), suppose that instead of an order by the Court of Review, a superior court having power to commit for contempt being under consideration, an Order of the House of Commons, another superior court, having the like power to commit for a contempt, for aught I know, for this purpose, had been under the consideration of Lord Lyndhurst, how could he have given any different judgment, or what word is there in this judgment which would not equally apply to this case? In all criminal cases it is necessary that there should be a charge, and a finding, and a conviction upon that charge as the foundation of a warrant. It is necessary that everything should be accurately and strictly done. If in any of those points there is any substantial defect, that is a ground for setting aside and reversing the decision. That case of Green *v.* Elgie was the case of a warrant by a superior court of record under which the party had been arrested, and that came under the consideration of another superior court of record. This Court held, that though it was the act of another superior and co-ordinate court of record, having the same jurisdiction as this Court to arrest in certain cases, the warrant must show the cause, and show a sufficient cause of arrest.

Mr. *Solicitor-general*.—I do not think my learned friend is stating that decision correctly. It was an application to set aside an injunction which had been issued by the Vice-chancellor, the Chief Judge of the Court of Review, to prevent certain questions being raised in an action at law; and all that the Lord Chancellor decided was this, that he would not prevent the party taking the opinion of a court of law upon the validity of that order.

Mr. *Kelly*.—I stated that; and I was also stating to the Court, as part of the reasons why that ought not to be done, and why the Court should be left to determine upon the validity of this warrant, that if this warrant did not show sufficient cause of commitment, then the party was entitled to maintain his action and to recover damages. That is the reason I am stating this. I am stating it almost in the same terms that my learned friend has stated it. It is a clear and direct authority for this, that my Lord Chancellor refused or dissolved the injunction, in order that the question might be tried at law. What question? The question whether that warrant, under which the party had been apprehended and imprisoned,

Reply.

19 Nov. 1844.

Mr. *Kelly.*

soned, was a good and valid warrant upon the face of it; and his Lordship referred to the case of Green *v.* Elgie, where your Lordships held that the warrant of a superior court like this, being the Court of Review, which was made a superior court of record by Act of Parliament, under which the party had been imprisoned, not showing sufficient cause upon the face of it, was void, and held the party entitled to the judgment of the Court, where the plea in justification of the imprisonment set up that warrant. I say that is precisely parallel with the present case; and there is no distinction between the present case and the case of Green *v.* Elgie, or the case under the consideration of my Lord Chancellor, where he laid down that every warrant must show upon the face of it sufficient cause. There is no other distinction between these cases than that the present case relates to the House of Commons and those cases refer to a superior court of record called the Court of Review. The one is a superior court of record by common law, the other is a superior court of record by Act of Parliament. The one has no more power than the other to arrest and imprison the subject under a warrant, not setting forth the cause, unless, indeed, there be something, which has not been shown upon any authority, different in the constitution of the House of Commons, which will enable the House of Commons to do, what it has never been held that any court in this realm can do, that is, to arrest and imprison the subject, not under writs and warrants in a form known to the law, but under any warrant, in any form, with or without cause, that they may think fit to issue. This is a direct authority of my Lord Lyndhurst: that if a court of common law be called upon to consider whether an arrest is lawful, and that arrest depends upon a warrant issuing from any superior court, let the court be as high as it may, the validity of the arrest and the right of the party to maintain an action, and the defence of the defendant to the action, depends upon the validity of the warrant, and that the warrant is bad if it do not set forth a sufficient cause to justify the imprisonment. It is necessary that there should be a charge and a finding. It is necessary that cause should be shown.

The case of Green *v.* Elgie, in this Court, is I believe not yet printed in a more regular report, but I find it is reported in the Jurist of March 9, 1844, p. 186. Here is my Lord Denman's judgment. His Lordship says, "If he did," that is, if one of the defendants occasioned the arrest, "another question is, whether the warrant set up by him as his justification is sufficient. We think that the warrant is bad; it refers to the order, but the order itself recites a contempt only, whereas it ought to find and adjudge it; and further, the contempt recited is mentioned in a petition, not in any document promulgated by authority of the Court."

I refer to that for this purpose; my learned friend has not shown that there is any distinction, and I beg respectfully to deny that there is any distinction, between the warrant of the House of Commons and the warrant of any other court of record, whether it be this Court, or the Court of Review, or any other superior court. The warrant, to justify imprisonment, must set forth upon the face of it some cause that will justify the imprisonment; and if that be not done the warrant is bad. It is not only the Court of Review, but it applies equally to any of the superior courts. Lord Lyndhurst expressly says here in this very judgment, "The Court of Queen's Bench may commit a person for a contempt. If the order is vicious," he says, "an action may be brought in the Court of Common Pleas or the Exchequer, and the validity of the order may be tried and questioned; and if the other party is dissatisfied with the decision of the Court, he may go by appeal to the House of Lords." That is the case with the superior courts of Westminster Hall. Then here is a direct authority, that if a man be imprisoned under a warrant from a court of law, another superior court will consider the validity of that warrant, and hold that its validity depends upon the cause appearing upon the face of it; and according as the cause is sufficient or insufficient it will entitle the party to his action of damages or false imprisonment.

There is another case which shows that the rule is the same even with respect to the proceedings of this high Court itself. Nor does the case rest even here. It is familiar to all your Lordships, that in the case of a warrant or order issued by the High Court of Chancery, the validity of it was questioned in the case of Christie *v.* Unwin, in the 11th Adolphus & Ellis, in this Court. I will not occupy your Lordships' time by going into the particulars of that case. It was an order made under the Statute of Bankruptcy by no less high an authority than the Lord High Chancellor himself. It then came under the consideration of this Court. Did the Court upon that occasion say, Where this is the proceeding of a court

Reply.

19th Nov. 1844.

Mr. *Kelly.*

court as high as our own or higher, we cannot interfere with its orders; we cannot hold that upon any matter of form appearing upon the order we can set that order aside, or enter upon the question of its validity? On the contrary, this Court said, that where a question is raised upon the validity of the order, whether the order proceed from the highest court or the lowest court in the realm, this Court must try the validity of that order by the rules of the common law; and, therefore, I am utterly unable to conceive of any distinction, I know not what my learned friend can urge in the shape of distinction, between the case of the House of Commons and the case of any other superior court, in a case where, upon the process of the House of Commons, the subject has been imprisoned, because this Court must determine the question according to the rules of the common law. Has the warrant under which the subject has been imprisoned shown a good and sufficient cause upon the face of it to justify the imprisonment? Your Lordships must look into and determine the question upon the face of this warrant just as you would upon the face of a warrant of commitment for contempt from the Court of Common Pleas or the Court of Exchequer, or upon a warrant issued from the Court of Chancery, or upon any warrant of any court, from whatever authority it emanates; if that warrant be brought upon the record before you, sitting here as Judges of the Queen's Bench, for your adjudication, you must determine the question upon the face of the warrant itself.

My Lords, my learned friend, with regard to one part of the argument as to the law in which I had cited no less an authority than that of Sir Edward Coke, and a great variety of cases all tending to show that no warrant of any kind, under which a party is to be imprisoned, can be valid, unless it shows sufficient cause, my learned friend said, with that grace and dignity which sits so well upon him, that he would not condescend to argue the question, to put for a moment, even in argument, the rights of the House of Commons upon the footing of the rights or powers of a magistrate issuing a warrant upon a criminal charge. The only reason why I was obliged to refer to those warrants of magistrates upon criminal charges is this, that, looking at the writs, warrants, and other authorities issued from the superior courts, issuing from all the highest courts in the realm, I could find nothing like a pretence for saying that the offence must not actually be specified and pointed out before the party can be arrested under the warrant. But I did find that, in the seventeenth century, there were some precedents for warrants issued by magistrates, which were in a more general form, namely, to answer such matters as shall be objected against them. I put forward those cases rather as showing the utmost extreme to which the law had gone as to the absence of any specific statement of an offence. And my learned friend says, "I will not condescend to argue upon those cases." I wish my learned friend had pointed out upon what cases his condescension will allow him to argue, because I looked in vain among the warrants issued by magistrates, among the warrants issued by the inferior tribunals, and amongst the writs and warrants issued by the superior courts, to find anything approaching even to the vagueness to be found in those warrants to which I alluded, and which are mentioned by Lord Hale. Therefore, as my learned friend will not condescend to argue upon magistrates' warrants, carrying his doctrine as far as it ever has been carried under any legal authority, and as he has not pointed out any other description of warrants upon which he will argue, I know not what further argument upon this part of the case I have to deal with. But my learned friend has referred to a long list of cases which I had mentioned, and he has referred also to the language of the Judges, in pronouncing judgment in several of those cases; for instance, there is Lord Shaftesbury's case, Brass Crossby's case, Hobhouse's case, and particularly the case of The Queen *v.* Paty.

Now those cases were referred to by me for this purpose. We are here upon the validity of an Order of the House of Commons, and undoubtedly it is important to see what orders or warrants emanating from the House of Commons have ever been made the subject of judicial discussion, and what has been the determination and the doctrine laid down by the courts in respect of those instruments. And it was important also to refer to those cases, in order that we might collect from what was either stated or admitted, but still more from what was laid down by the Judges, what had been the custom, and so the Law of Parliament, with respect to its power to imprison the subject. My learned friend has referred to those cases, and he has selected various passages, which will not be forgotten by your Lordships, from the judgments of several of the Judges, more especially from the case of The Queen *v.* Paty and Others, in 2d Lord Raymond, and those passages,

Reply.

19 Nov. 1844.

Mr. *Kelly.*

passages he selected to show that, in the apprehension of the Judges, they could not sit in judgment upon the Orders or Acts of the House of Commons.

Now, undoubtedly a great deal is to be found in the language of some of the Judges in that case appearing to favour the proposition for which my learned friend contends, that this Court cannot at all sit in judgment upon any proceedings of the House of Commons. And I cannot but lament to find, that at any period of our history, but particularly in the last century, many many years after the Revolution of 1688, the Judges of England should have been found to utter such doctrine, to lay down such doctrine, as is laid down in this case. For unquestionably it does appear to have been supposed by a great many of those Judges, that a party could not apply for his writ of habeas corpus at all; that it was enough if a person were imprisoned under the Order of the House of Commons, and he appeared upon the habeas corpus, for the Court at once to determine that they had no power to interfere with his case, and that the party must be sent back again into his original custody. But I do find at the end of the case that they said, "Quod cognitio causæ captionis et detentionis prædicti Johannis Paty non pertinet ad curiam dictæ Dominæ Reginæ coram ipsa Regina," and so on.

But, my Lords, I answer all those observations by saying, that they are directly contrary to the law; they are contrary to the law that has been acted upon by this Court in cases of commitment by the House of Commons ever since; because in every case that has arisen, from Lord Shaftesbury's down to Mr. Hobhouse's, and the Sheriffs of Middlesex some two or three years ago, in every one of those cases what was the question? In every one of those cases the parties were brought before this Court upon habeas corpus, and demanded their liberty; and your Lordships, in order to find whether they were entitled to their liberty, did look into the warrant of commitment under which they had been imprisoned, and proceed to consider and to determine whether the cause appearing upon the warrant of commitment justified the imprisonment. It is true that your Lordship held, in every one of the cases, that it did, and why? Because in every one case, from Lord Shaftesbury's down to the case of the Sheriffs of Middlesex three years ago, the warrant of the House of Commons was produced, which stated, in what your Lordships deemed sufficient terms, that the party had been convicted by the House of Commons for a contempt.

But what becomes of the doctrine that your Lordships cannot inquire? What is the value of what fell from the majority of the Judges in the case of The Queen *v.* Paty, that the Court cannot inquire, that they have no jurisdiction; that whatever the House of Commons orders to be done, must be done? It is all bad law; it is all law that, if it were to be acted upon, would make slaves of the people of this country; and the successors at least of those Judges have done their duty better to the people, whose protection was entrusted to them by the constitution. Because in every case, whether it was in the shape of an action brought as to the validity of an act of the House of Commons, or whether it was a question as to acts done under their order appearing upon demurrer before the Court, or upon an application for a writ of habeas corpus, in every one of those cases the successors of those Judges entered into the matter upon the view of the commitment; they looked at the record, or they looked at the commitment produced upon the return to the habeas corpus under which the subject had been imprisoned; they looked to see what cause appeared upon that commitment; they heard arguments and proceeded to determine upon the sufficiency of that cause; and because they held the cause to be sufficient and sufficiently alleged, for that reason, and upon those grounds only, they held the warrant sufficient; they held the imprisonment lawful, and they remitted the parties to their original custody.

My Lords, all that I ask your Lordships to do upon the present occasion with respect to this warrant is, what you yourselves or your predecessors did in each and every one of those cases; that is, look to the warrant. If you find that it states a matter as the cause of the imprisonment over which The House have jurisdiction, and for which they have a right to imprison, then determine that the warrant is good, and no doubt the defendant is entitled to your judgment; but my learned friend asks your Lordships not to look at the form of the warrant at all, or, if you look at the form of the warrant, to see only that it proceeds from the House of Commons; that that must be sufficient, and that no further inquiry can take place. My Lords, in all those cases the Court entered into the sufficiency of the matter appearing upon the warrant; and the great distinction between all those cases and the present, and the ground upon which I urged them as authority,

as

Reply.
19 Nov. 1844.
Mr. *Kelly.*

as strong and irresistible authority in favour of the plaintiff upon this occasion, is, that in all those cases the cause was expressly stated, and it was held by the Court to be sufficiently stated upon the warrant under which the party had been imprisoned; and I object to this warrant, because no cause is stated at all, and that is the distinction. Even in Lord Shaftesbury's case, and in the worst times, there was always a cause stated. Whether it was a sufficient cause, whether Lord Holt was right in deeming it so in the case of The Queen *v.* Paty, all that may be matter of question. But that is not the matter for consideration; in every one of those cases the cause was stated, and the judgment of the Court proceeded on the sufficiency of the cause; whereas here your Lordships cannot tell whether the cause is sufficient, because you find no cause at all stated.

My Lords, in the case of The Queen *v.* Paty, from which my learned friend extracted so largely, I find that my Lord Holt, whose opinions, though upon the great question he differed from the rest of the Judges, are undoubtedly entitled to the highest weight, I find expressed himself in this way, that the legality of the commitment depended upon the vote recited in the warrant. Your Lordships will remember that this was a warrant expressly founded upon a vote, which vote alleged the contempt, and stated what the contempt was. The great question that was argued, and upon which Lord Holt differed from his brethren, was, whether that which was stated as a contempt, and which appeared to be a contempt for which the party had been imprisoned, was a contempt which this Court would treat as a contempt. Now it may be, though I think it is not, the law—it may be the law that if the House of Commons state matters which they find to amount to a contempt, that though your Lordships would think it was no contempt at all, you are precluded from entering upon the question. It may be so; I apprehend it is not. Here certain matter is stated a contempt, and that the party had been found and adjudicated guilty of contempt, and that upon that contempt he had been committed; and, therefore, all that the Court held here was, that they were bound by the adjudication of the House of Commons; that the House of Commons having jurisdiction to determine whether a contempt had been committed or not, and having determined that a contempt had been committed, this Court had no power to sit as a Court of Error, and to hold that a party was not guilty of contempt whom the House of Commons had adjudicated was guilty. But what says Lord Holt? "That the legality of the commitment depended upon the vote recited in the warrant; and for his part he thought the prisoners ought to be discharged." He may have been wrong in thinking that they ought to be discharged; but what does he say? That the validity of the imprisonment depended upon the validity of the warrant; and so he goes into the warrant. He says, "What is the matter apparent upon the warrant?" He argues upon it, and comes to a conclusion. That is what I ask your Lordships to do here. And when you look back at the warrant, to determine upon its validity, you find nothing. It is not a contempt committed; it is not a contempt charged; it is not matter stated which may or may not amount to a contempt. It is simply an order to imprison. So that your Lordships have no means to determine whether there was good cause for the imprisonment, there being no cause at all stated. The question is, whether a party may be apprehended without cause at all.

Lord Holt goes on to say, "For his part, he thought the prisoner ought to be discharged; though in this his opinion he was so unfortunate as to go contrary to the Act of the House of Commons, and the opinion of all the rest of the Judges of England, whose assistance they had desired; and there had been a meeting for that purpose. He said this was not such an imprisonment as the freemen of England ought to be bound by; for that this, which was only doing a legal act, could not be made illegal by the vote of the House of Commons, for that neither House of Parliament, nor both Houses jointly, could dispose of the liberty or property of the subject; for to this purpose the Queen must join, and that it was in the necessity of their several concurrences to such Acts, that the great security of the liberty of the subject consisted. He said that the first matter which was laid as a breach of privilege was none; and to that purpose he cited Binyon's case, where in an assumpsit the defendant pleaded the Statute of Limitations, and the plaintiff replied that the defendant was a Parliament man, &c.; and the plea was overruled, because one might file an original against a Parliament man, and continue it down without breach of privilege."

Then his Lordship cites various other cases, and he goes on to say, "So one may commence an action against a Member of Parliament that is executor; and consequently

Reply.

19 Nov. 1844.

Mr. *Kelly*.

consequently the commencing an action against the constables of Aylesbury is no breach of privilege." And further on, his Lordship says, as to what was said that the House of Commons are Judges of their own privileges: "He said they were so when it comes before them. And as to the instances cited where the Judges have been cautious in giving any answer in Parliament in matters of privilege of Parliament, he said the reason of that was because the Members know probably their own privileges better than the Judges. But when a matter of privilege comes in question in Westminster Hall, the Judges must determine it, as they did in Binyon's case. Suppose these actions against the constables of Aylesbury had gone on, and the defendants had pleaded this privilege, we must have determined whether there were any such privilege or no. And we may as well determine it upon the habeas corpus; for the defendants are here in a proper course of law, and the matter appears to us upon record as well this way as if it were pleaded to an action. We must take notice of the *Lex Parliamenti*. My Lord Coke, in his 1st Institute, 11 b., enumerates the several laws that are within this realm, and the *Lex Parliamenti* is one of them; and the *Lex Parliamenti* is the law of the land. As to what my Lord Coke says in the same place, that the *Lex Parliamenti est a multis ignorata*; that is because they will not apply themselves to understand it." His Lordship then proceeds to deal with the case before him, and refers to Lord Shaftesbury's case and the case of Ashby *v.* White, and then finally he determines the question upon the cause stated in the commitment: "He said the cause of the prisoners' commitment being expressed in the warrant, excluded any intendment that they might be committed for any other cause than that expressed in the warrant."

This authority, therefore, upon which my learned friend himself mainly relied, only goes to this, that in that particular case sufficient matter appeared upon the return to the habeas corpus to justify in the opinion of the Court the imprisonment of the party. Upon that return appeared the commitment. That commitment set forth, not, like this commitment, being silent upon that and every other point, it set forth expressly a commitment for contempt. The majority of the Judges thought that the Court could not enter into the question of whether there was a contempt or not; but the House of Commons having found and adjudged the party guilty of a contempt, they held that the custody was lawful.

My Lords, I dismiss these cases with this observation in conclusion upon them; that in every one of them where the House of Commons sought to justify the imprisonment of the party by their warrant, the warrant was produced in which some cause or other was set forth, and a cause which this Court held to be a sufficient adjudication and conviction for contempt by a warrant of the House of Commons, upon its well-known constitutional privilege of committing for contempt, and imprisoning the party named in it. So that if they are authorities for anything, they are authorities for this; that when the question comes before this Court upon a party being imprisoned under a warrant of the House of Commons, whether that imprisonment is lawful, the Court will look to the warrant of commitment to determine whether that imprisonment is lawful or not; and it is held lawful or unlawful according as the warrant of commitment sets forth upon the face of it good cause to justify the imprisonment or not. Applying, therefore, that doctrine to the present case, your Lordships will look at the warrant to see whether it sets forth good cause to justify this imprisonment. Looking at the warrant, it is not found to contain any cause at all; and this warrant must, therefore, be held bad.

My Lords, a point seems to have been made with regard to the form of the warrant, which does not appear very material, but I may as well advert to it a moment, before I leave this part of the case. It recites, "That the House of Commons had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the House of Commons," and required and authorized "the Serjeant-at-Arms then attending The House to take into custody the body of the plaintiff." Some question seems to have been hinted at, as to whether this is a simple mandate to the Serjeant-at-Arms to take into custody the body of the plaintiff, or whether it may be coupled with the recital, and is to be read as giving an authority to take into custody the body of the plaintiff, in order that he may be brought in custody of the Serjeant-at-Arms. That I presume would mean brought to the bar of the House of Commons. My Lords, I apprehend that any warrant under which a party is to be imprisoned ought to be precisely and clearly worded, or at all events, if not, that it is to be read most in favour of liberty. My Lords, I take this to be an absolute warrant, merely to take into custody

Reply.
19 Nov. 1844.
Mr. *Kelly*.

custody the body of the plaintiff, and I apprehend there is nothing at all in this warrant from which your Lordships in construing it will hold that it was an authority not merely to take into custody the body of the plaintiff, but to bring the body of the plaintiff to the bar of the House of Commons. I apprehend that it cannot be so construed. I do not think that it is material if it were, because it is still open to all the objections that I have urged; but I cannot give up one point in this case, and I contend that it is a general mandate to take the party into custody, with no direction where he is to be taken; for when it is said that it must mean that he is to be taken to the bar of the House of Commons, because it states that the House of Commons had ordered that he be taken into the custody of the Serjeant-at-Arms; in the first place, my Lords, in the mandate itself there is nothing at all about his being taken to the bar, there is nothing to show that he is to be taken to the bar of the House of Commons, or to be examined by a Committee of the House of Commons, or by The House itself; therefore I conceive that it would be adding to this command, introducing words into this command, and giving it a meaning which it would not bear, to say that it means that he was to be taken into custody in order to be brought to the bar, or before a Committee, or anything else over which The House has jurisdiction. I cannot see how your Lordships can introduce into a warrant anything but what is found in the warrant itself.

Mr. Justice *Wightman*.—I observe in Sir Francis Burdett's case there was an order that Sir Francis Burdett be for his offence committed to the Tower, and that Mr. Speaker do issue his warrant.. There was then a warrant reciting the Order, and then an Order to the Serjeant-at-Arms to take into custody the body of Sir Francis Burdett; but it did not stop there, it went on to say, "and then forthwith deliver him over into the custody of the Lieutenant of the Tower."

Mr. *Kelly*.—Exactly, my Lord; I was about to refer your Lordships to one or two of those warrants which have been issued.

Mr. Justice *Patteson*.—It might be insufficient, if they did not allege it; but here they make an order to take the plaintiff into custody, and they say that he was to be brought before the House of Commons.

Mr. *Kelly*.—Yes, my Lord, that is the order; but in all these cases the mandate or warrant is itself specific in directing what shall be done with the party arrested; therefore I do not conceive that any advantage can be derived from the recital here; but the recital still leaves it totally uncertain, even if it could aid the mandate itself, as to what is to be done with the body of the plaintiff. In the case to which your Lordship is alluding, if the warrant had stopped at the point where it is contended that it might have stopped, aided by the recital, in which the order was to take him to the Tower of London, I should have said that you could not thus aid the warrant; but here there is no information given; it leaves it in total uncertainty whether the plaintiff is to be taken to the Tower of London or to Newgate, or whether he is to be brought to the bar of the House of Commons, or before any one of the twenty, thirty, or fifty Committees which may be sitting.

Mr. Justice *Williams*.—That depends upon whether the recital or allegation may be taken; because if the recital may be taken there is a distinct allusion, and it would appear that it may be, upon the authority of the cases cited.

Mr. *Kelly*.—I have not yet attended to the recitals, because, no doubt, if the recital may be brought in aid ———

Mr. Justice *Williams*.—I mean the recital in the warrant.

Mr. *Kelly*.—I am now confining myself to the four corners of this instrument; I do not see that that recital points out at all what place ———

Mr. Justice *Williams*.—It recited the Order of The House.

Mr. *Kelly*.—"An Order that the plaintiff should be sent for in the custody of the Serjeant-at-Arms." Sent for where? I say that he might be sent for in order to appear at the bar of the House of Commons, or before any Committee of the House of Commons.

Mr. Justice *Williams*.—The Order was, that he should be sent for to answer before the House of Commons, in the custody of the Serjeant-at-Arms.

Mr. *Kelly*.—But, my Lord, there is nothing about that in the warrant.

Mr. Justice *Williams*.—But it recites the said Order.

Mr. *Kelly*.—No, my Lord. It is of the last importance, with reference to the validity of this warrant, which I take to be the great question in this cause, that your Lordships should have clearly and accurately before your minds what this warrant contains, and all that it contains. As it appears upon the pleadings, it contains

Reply.

19 Nov. 1844.

Mr. *Kelly.*

contains no reference to any Order of the House of Commons which would convey any information to the party about to be imprisoned where he was to be taken to, or for what purpose. The warrant, as set forth in all the pleas, is simply in the form of a recital that the House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, and that the said House did require and authorize the Serjeant-at-Arms, then attending the House of Commons, to take into custody the body of the plaintiff; therefore all that appears is not what the purpose was, or even where he was to be taken, but merely that he was to be sent for; and if an Election Committee, or any other Committee, had reported that he had been summoned, and had failed to appear, and The Speaker, upon that, had issued his warrant to him to come forward and give his evidence, it would have answered the recital, and would be in the form in which it now appears. It says that he was sent for, but it leaves us uncertain whether he was to be sent for to appear at the bar, or before, say one of the twenty or thirty of the Committees of The House, or where else.

But though I have felt it necessary to notice this, I do not feel it at all requisite that your Lordships should be troubled with any criticism upon this part of the warrant, because, let me assume the case most strongly against the plaintiff (though that would be most strongly against liberty, which I protest against), and what would it amount to? The House of Commons has ordered that the plaintiff be sent for in the custody of the Serjeant-at-Arms, and ordered the Serjeant-at-Arms to take into custody the body of the plaintiff, in order that he may be brought to wherever he has been sent for. I suppose that the order were so. Suppose it had said, "To be brought in custody to the House of Commons, still it is open to the objection which I have urged to this warrant, and which I apprehend to be fatal to it, viz. that it is an order to apprehend and to take into custody, to take into prison a subject of this realm, and bring him to the Bar of the House of Commons without stating for what. Aid it to the utmost possible extent; introduce all the words which, by the utmost latitude of inference, can be collected from the recital as well as the mandatory part of the warrant, and the most you can make of it is, "Apprehend and bring him in custody to the Bar of the House of Commons," without stating why he is to be brought there; without stating whether he is to be examined (which would have raised the question whether they might bring him to the Bar to be examined), or without stating whether he is to answer to any charge (which would have raised the question whether they could imprison him in order to make him answer to a charge), or without stating whether it was that which they had the power to do; a warrant issued for contempt adjudged against him. Whether it be one or the other, your Lordships are not informed; it is a simple mandate to arrest the plaintiff; and with the aid which I will assume, for the purpose of the argument, to be given to the warrant, it is merely a warrant to apprehend and arrest, and bring the plaintiff in person to the Bar of the House of Commons, without any cause assigned, without any object, without any reason.

Now, my Lords, my learned friend has referred to a great number of passages in the judgments of the Judges of this Court in the cases of Burdett *v.* Abbot, and of Stockdale *v.* Hansard. My Lords, I am far from disputing the doctrine laid down by any of those learned Judges on either of these occasions, or any one sentence or word which has fallen from them upon those important points. But, my Lord, I do venture to say that all they have said must be taken with reference to the particular question then before them, and with respect to which they were then delivering their judgment; but if what they have said with reference to a warrant, stating upon the face of it that the party had been convicted of contempt, and committing him to prison for that contempt, be applied to a warrant which says not one word about contempt or any other offence, or about conviction, or any matter civil or criminal, your Lordships will be in great danger of misapplying the law, and erring in your construction of the warrants.

My Lords, taking what has fallen from this learned Judge as applied to the subject then before him, the whole in favour of the defendant which is to be found is this, that undoubtedly Mr. Justice Bayley, and, perhaps, in still more emphatic terms, Lord Ellenborough, distinctly decided, in Burdett *v.* Abbot, that the House of Commons have a right to try the question of contempt; and having tried the question in The House, and found the party guilty of contempt, that judgment was final and irreversible. There was no other appeal from it to any court or any other tribunal;

Reply.
19 Nov. 1844
Mr. *Kelly*.

tribunal; their judgment was at once final. My Lord, I agree to it; and if it had appeared upon this warrant, as it appeared upon the warrant in Burdett *v.* Abbot, that the House of Commons had adjudged this gentleman guilty of contempt; or if, for I do not seek to bind them to points of form, enough had appeared upon the face of this warrant to enable your Lordships clearly to see that he had been guilty of contempt, I agree that your Lordships could not sit in judgment by way of appeal upon that warrant of the House of Commons, but that that judgment must have been held lawful by virtue of the force of that doctrine. Here, I say, there is no allusion to contempt, or any other offence; no mention of a charge, still less of a conviction.

My Lords, the next proposition upon which the language of the learned Judges has gone, and upon which my learned friend has very naturally dwelt, is this, that the House of Commons has the undoubted power to imprison for contempt of any of their privileges; that besides being the judge of their privileges and of what is contempt, they have the undoubted power of imprisoning for contempt; I do not deny it; and if upon these proceedings it had appeared that the plaintiff had been guilty of contempt, there would have been no question; but that is the whole extent of all that they say. There is nothing that fell from any of your Lordships now present, or from any Judge now living or dead, in the one court or the other, having any bearing upon the question whether a warrant of the House of Commons, or of any other tribunal, which states no matter of offence or cause whatever is valid over the subject to be imprisoned under it. When my learned friend uses these observations applicable to commitments for contempt, in support of the doctrine of the House of Commons having the power to legalize whatever they may order to be done, I must pray your Lordships to mark the important distinction between the power to resolve what is a privilege or what is a breach of privilege, or what is contempt, and the power to declare that to be law which is not law; the power to declare that their officer may do that which by the law of England he has no right or power to do. I admit that the House of Commons may pronounce what is a breach of privilege, and if they having so done convict a party of a breach of privilege or contempt, and they do not set this forth upon the warrant, your Lordships have no right to interfere; but I deny that the House of Commons have any more power to declare what they have declared here, that this is a good warrant upon which a subject may be imprisoned, than they have to declare any other matter which might be in dispute. They are but one of the three branches of the Legislature; they cannot make the law. If, my Lord, this warrant is good upon the face of it, your Lordships will so hold; but if it be not, the House of Commons cannot make it so. If they had declared that it was a part of their privileges to arrest a man for felony, they could not by such a declaration make that the law. It is against Magna Charta, against the Petition of Right, and against the well-known law of the land. They could no more give themselves the power of arresting under a void warrant and making that a good warrant than they could create a new writ, something like the writ of amoveas, which has been a point under discussion, but especially in all cases of personal liberty, if the law be, as I hope I have satisfied your Lordships, that a man can only be abridged of his liberty by a legal warrant, and if it be legal, it must be by the cause appearing upon the face of it; the House of Commons have no more power to declare that by a warrant which does not contain matter upon the face of it, it is their privilege to arrest, than they have to declare the right of arresting for murder, or for any other unlawful thing, by their mere resolution.

Therefore, my Lords, in referring to those two propositions deduced from the language of the Judges in the case of Burdett *v.* Abbot, and the other case, of Stockdale *v.* Hansard, giving them their full effect, they do show that where The House has adjudged there is no appeal, the party must submit. They do say this, that a warrant of commitment setting forth the cause in any terms that your Lordships can collect is a good justification for imprisonment; but they say no more; and if they are brought forward to show that this warrant is valid, and that the House of Commons have the power to commit or imprison a man for one moment upon a warrant specifying no cause, assuming to themselves the power of making the law, to introduce a new form of warrant to introduce a new mode of imprisoning the subject and depriving him of his liberty, I say they have no more power to do that than they have to authorize their officer to put the man to death.

My

Reply.
19 Nov. 1844.
Mr. *Kelly*.

My Lords, this brings me to the conclusion of all I have to urge with regard to the validity of the warrant; that warrant (as I am afraid I have, till I have wearied your Lordships, urged again and again) not only states no offence, states no object, but it does not point, even by way of suggestion or recital, or otherwise, to any purpose or any reason for which the party was to be taken into custody. It is not a warrant to commit upon conviction; it is not a warrant to apprehend upon a charge; it is not a warrant to bring the party before them to compel him to give evidence; it is not a warrant specifying anything that, even if the law would authorize it, might be made the ground of imprisonment of a subject; but, aiding it to the utmost extent practicable or reasonable by the recital, it is nothing more than a simple mandate to take the party into custody; and I do submit to your Lordships that if that warrant be held valid, your Lordships can only so hold it upon the ground that the House of Commons possesses an uncontrollable absolute power to imprison generally, with or without cause existing or assigned.

And once more, my Lord, in conclusion, upon this, by far the most important part of the case, I pray your Lordship's attention to this consideration, that if this warrant be held valid, it is holding that there is a new mode, a mode as yet unknown to the law by which a subject can be abridged of his liberty. It is not a writ in mesne process, or in execution; it is not a magistrate's warrant; it is not a warrant issuing from a superior court to apprehend upon a charge, or to commit in order to compel a party to give evidence; it is not a warrant upon conviction; it is no warrant, no writ, no mandate, no instrument known to the law, or that any lawyer ever heard of. But it is a new form of instrument, specifying no cause, and pointing out no cause; and if your Lordships were now for the first time to give validity to this as the mode in which a warrant may be drawn up; I speak with all the humility and respect which I unfeignedly feel; but I say that you cannot hold it good without saying that the provision of Magna Charta to which I have referred is a dead letter. Here is a mode that cannot have existed at the time of Magna Charta; here is a mode found in no books, never alluded to in argument or suggestion; here is this new writ, new warrant, new mandate, which is different from all others, assigning no cause, alluding to no cause.

Mr. Justice *Coleridge*.—Why do you say that this form could not have existed at the time of Magna Charta.

Mr. *Kelly*.—Because, my Lord, from Magna Charta downwards we have no single instance of a subject being arrested upon such an instrument. Perhaps I use too strong an expression in saying it could not have been, because it is possible that at the time of Magna Charta persons might have been imprisoned in this form; but I ventured to say it could not have been, because we find no trace of this mode in any judicial proceedings.

Mr. Justice *Coleridge*.—Suppose it had alleged expressly that The Speaker had issued this warrant in the form and according to the ancient usage and the law of Parliament, and it then set out this warrant as it is set out upon the plea, must we not have taken it upon demurrer that this was according to the ancient form generally used by the House of Commons? I do not say that the plea has done that.

Mr. *Kelly*.—No, my Lord. I am coming to that point: if the plea had done that, it would have been open to this objection, which I hope your Lordships will not deem unimportant, that unless the House of Commons had expressly alleged that this was a form of warrant that they, the House of Commons, had used as of right as early as the time of Magna Charta, it would not have been sufficient, for this plain reason, the privileges of the House of Commons must be immemorial; Lord Ellenborough says, in Burdett *v.* Abbot, that they must be immemorial. If, therefore, it appears upon the pleas that this right began to be used in the reign of, I will say Edward the Fourth or Edward the Fifth, then it raises the question; if it began to be used by the House of Commons in the reign of Edward the Fourth, posterior to Magna Charta, whether it is consistent or not consistent with it, and if it be against Magna Charta, it is unlawful, even if the House of Commons have exercised such a privilege from Edward the Fourth downwards, unless from reference to an Act of Parliament authorizing it; and I cannot press upon your Lordships too strongly this observation, that no imprisonment can be lawful unless it has existed from the time of Magna Charta, or was created by Act of Parliament; it could not be created by any resolution of either House of Parliament;

Reply.
19 Nov. 1844.
Mr. *Kelly*.

liament; it must be by Act of Parliament, if since Magna Charta. If since Magna Charta, it is not imprisonment *per legem terræ*, and accordingly your Lordships will find that in the two instances to which I have directed the attention of the Court, first in the case of attachments for contempt, they are put upon the footing of law, and are declared by the Judges to be legal, because the practice had existed from the time of Magna Charta; and again, those doubtful warrants, "to answer to such charges as may be made against him," are put upon this, that there is some reason to show that they existed at the time of Magna Charta; so that with regard to warrants of magistrates and those forms of attachments, those who have held them the one to be legal, and have contended for the legality of the other, have put it expressly upon this, that they thought that they were coeval with Magna Charta, and unless they are so they cannot be lawful.

Therefore, my Lord, I say that if the plea had alleged in express terms that it was a privilege of the House of Commons to arrest by warrant in the form following, which is the only way in which I conceive it could be held valid, it would have been insufficient; otherwise we must come to this conclusion, that by their declaring a thing to be their privilege, though it is against Magna Charta, it becomes law, and that I am sure your Lordships will never hold. I quite agree that if they had alleged at the time of the passing of that great Act of Parliament, the Magna Charta, that it was from thenceforward, hitherto had been, and still is, the undoubted privilege of the House of Commons to arrest the Queen's subjects upon a warrant in the form following, and they had set forth this warrant, I agree that in that case your Lordships would have to consider that it was admitted upon the pleading that in fact that law existed at the time of Magna Charta, and that unless there were something upon the face of it totally repugnant to law, your Lordships would have supported it; but there can be no doubt that no subject of this realm can be arrested, except under a valid warrant; and a warrant to be valid and of force, in order to deprive a man of his liberty, must be a warrant which existed and was known to the law at the time of Magna Charta; or it must be a warrant which has been created, and therefore been legalized by Act of Parliament since. This warrant, if it existed at the time of Magna Charta, is not to be found in any record of that time or of any other; it has never been held valid; and in courts of justice instruments far less objectionable have been held to be invalid; therefore, upon such an averment as this, it is impossible to contend that this warrant is valid.

In conclusion, upon this point, I once more urge upon your Lordships the important consideration, that the effect of a decision in favour of the validity of this warrant would be, to destroy the whole of the protection given by the Habeas Corpus Act; and it is the more important because, however little it might be supposed that it was open to me to argue upon any real or supposed danger of tyranny on the part of the House of Commons upon the people of this country, it is perfectly obvious that, wherever there has been tyranny and oppression, it has always begun by small beginnings, and it is only by protection by the forms of law, as well as Acts of Parliament like the Habeas Corpus Act, and by that form of protection being liberally acted upon by the courts of law in Westminster Hall, that there is the slightest security against the tyranny of anybody, even were it a far less powerful one than the House of Commons, asserting its power by warrants such as this.

My Lords, the question however remains behind, whether, supposing the warrant to be insufficient in fact to show any just cause, or any cause at all, for the imprisonment of one of Her Majesty's subjects, the defendant can resort to the averments in the plea, and to aid the insufficiency of the warrant by those averments; and for this purpose of course I assume, for the moment, that the averments are sufficient; that matter enough is averred, and properly averred, to legalize the arrest, if the party, if the two can be taken together; such is, suppose the plea had alleged that, before the time in question, the party had been guilty of contempt upon the House of Commons, and had been adjudged and convicted of that offence, and that thereupon it was ordered that The Speaker should issue his warrant to commit him to Newgate or the Tower; that would no doubt set forth a clear lawful cause for his imprisonment; and then suppose, in the execution of that, the present warrant issued, the question is, whether the imprisonment of the party under that warrant could be justified by matter not averred upon that warrant, but averred extrinsically in the plea.

Now,

Reply.

19 Nov. 1844.

Mr. *Kelly.*

Now, my Lords, in the first place, I would observe that the plea, in express terms, alleges that the imprisonment took place by virtue of that warrant. The declaration says that, on a certain day in the year, the defendant assaulted, arrested, and imprisoned the plaintiff. The plea, after setting forth these matters, sets forth the warrant in question. "After reciting therein," and so forth, it then proceeds thus: "And the defendant further says, that he the said defendant then, to wit, on the day and year last aforesaid, was the Serjeant-at-Arms attending the said House of Commons, and that the said warrant was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms as aforesaid, to be by him executed in due form of law, by virtue and in execution of which said warrant the defendant——." Now here is his allegation, "by virtue and in execution of which said warrant the defendant, as such Serjeant-at-Arms as aforesaid, afterwards and at the said time, when, &c., in the declaration mentioned, gently laid his hands upon the plaintiff to arrest him and take him into custody, and did then arrest him by his body by virtue of and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the several passages." Now, before we come to what he alleges he did in execution of a prior resolution or order of the House of Commons, that is, before he proceeds to justify the carrying him along the passages, he justifies the assault, the arrest, and the imprisonment, in express terms, by the mere warrant. Well then, my Lords, is it to be said that when a man is imprisoned by a public officer, imprisoned, as the officer alleges in his plea, by virtue of a warrant, under which and as far as relates to the mere assault and imprisonment, he states no more than is in the warrant, is it to be said he can fall back upon something else and say, "True it is I arrested you under and by virtue of that warrant; that warrant is void in law, but there was a good and sufficient cause behind, which enabled me to arrest you, and so I arrested you accordingly."

So much, my Lords, for the allegation; but now let us see what the practical danger is. The law is well known, that the right to resist an instrument depends upon its validity. If the party about to be imprisoned, in resisting his opponent kills him, if the warrant be good he is guilty of murder, if the warrant be bad he is guilty of justifiable homicide. Then how is it to be known? By what tenure do men hold their lives in this country? An officer of the House of Commons or of any other tribunal brings forward a warrant bad upon the face of it, which authorizes no imprisonment, and he proceeds to arrest a subject of the realm by virtue of that warrant, to say to him, "I arrest you by virtue of this warrant." The party attempted to be arrested says, "That warrant is unlawful and void;" and he resists it; he kills the other party in the struggle, and then he is to be told, when on his trial for murder, "Why true it is that warrant is void, and as far as that went you were justified in resisting; but then the House of Commons had voted you guilty of a contempt, or had voted that you must attend on another charge, and that rendered the arrest lawful and your resistance unlawful, and therefore you are guilty of murder, and must be hanged." My Lords, at every stage of the cause, at every point, we are met by insuperable difficulty, by something that is repugnant to one's notions of common sense as well as of law. Do we hold our liberties, I ask, by such a tenure, that it is to be matter of uncertainty and matter of evidence lying behind when an officer, a public minister of the law, comes to arrest a party, and produces his warrant, upon which alone the party can know what has taken place, and he is to fall back upon something else and say, "That is lawful, though the warrant by which I arrest you is unlawful."

My Lords, just let me for a moment refer to what I shall have to advert to for another purpose, namely, the statute mentioned in the case in the Exchequer, to which my learned friend (the Solicitor-general) has called your Lordships' attention; the statute which now declares, that though a warrant may be defective upon the face of it, if it refer to a conviction, and there be in fact a good and valid conviction, that conviction will support the warrant. What was the use of that statute? If an officer, arresting under a warrant turning out to be defective by common law, could fall back upon a conviction and say, "Here was a good cause in fact; you had been guilty of an offence; you had been adjudged guilty of an offence; you had been convicted, and though the warrant upon which I arrested you was bad, still you ought to have been imprisoned, and your imprisonment was justifiable."

Reply.
19 Nov. 1844.
Mr. *Kelly*.

justifiable." Why, my Lords, there would be no security for liberty any more than for life, if, where a man has been imprisoned by virtue of a warrant which conveys to him the only information upon which he can act in resisting or yielding, which in the great majority of cases of imprisonment, where the officer arresting places the party in the custody of a gaoler, conveys to the goaler the ground upon which he is authorised to detain him in custody, you can depart from the form of that warrant, and can say, "It is not only that, but there is something else; I can add to it, or I can vary it, and to show that the imprisonment is lawful," where is the security of the subject? How can any man tell whether to yield or to resist, the law enabling him to resist if the warrant under which he is arrested be unlawful, and compelling him or enjoining him to yield if it be lawful. How can the gaoler to whose custody he has been consigned know? Again, upon habeas corpus, how can the Court know if it is not the instrument by virtue of which the party has been arrested?

My Lords, this does not rest upon reason only, but it rests upon authority. In the case to which so much reference has been made, and where that great lawyer Lord Holt had the whole doctrine of imprisonment before his mind's eye when he gave his judgment, your Lordships will find that enough appears to show that this cannot be done. He says, "The cause of the prisoner's commitment"—

Mr. Justice *Coleridge*.—You are still reading from the Queen *v.* Paty.

Mr. *Kelly*.—I am now reading, my Lord, from p. 1115 of The Queen *v.* Paty. "He said, the cause of the prisoner's commitment being expressed in the warrant, excluded any intendment that they might be committed for any other cause than that expressed in the warrant." What is that but saying that upon a habeas corpus, where the matter is not so strong, because upon habeas corpus it is possible—I do not say it is according to law and practice—but it is possible the Court might have been informed, besides the warrant upon affidavit of facts lying before the warrant of arrest, yet even upon habeas corpus Lord Holt says, you must look at the warrant.

Mr. Justice *Wightman*.—The cause stated excludes all other causes.

Mr. *Kelly*.—Yes, my Lord.

Mr. Justice *Wightman*.—But supposing there is no cause assigned upon the warrant, we may then look at the averments.

Mr. *Kelly*.—I should think not, my Lord, for supposing one cause to be assigned upon the warrant, can you add another? No, here is the authority; supposing none, can you add one? I apprehend not. Then if so, there is this absurdity in the doctrine, that you may add one cause to none, but you cannot add one cause to another. You may add a first to none at all, but you cannot add a second to a first. My Lords, these are distinctions rather of the imagination, or of the ingenuity of man, upon which the liberty of a free people cannot by law depend. It is not, my Lords, only for the great and important purposes which I have mentioned, namely, to secure a party against a charge of murder in resisting an arrest under an illegal warrant, and to defend the gaoler who receives his body into custody, that I contend for the position which I am now supporting; but it is for every conceivable purpose, at every step and stage of the proceeding itself, and every other proceding arising out of it, that all parties should be informed, the prisoner, the officer who imprisons, the gaoler who receives into custody, the tribunal that issues the process, the party that institutes the process; all ought to know from the instrument by virtue of which one man comes and assaults, arrests, and imprisons another, why he does it. Surely, at least, it would need some authority; we should require something to show that it is lawful to refer to an extrinsic cause which does not appear, and may be unknown to all the parties interested, and acting upon the warrant, before it could be held that such is the law. But, my Lords, see again; let me put this case; is it to be supposed that the officer knows of that other cause? If he does not (and there is nothing to show that he does), here is an officer ordered upon a certain warrant, which is his guide and his instruction, to arrest an individual. He knows no more than that; he proceeds to arrest him. If other matters are to be looked to besides the thing itself, it may tell just as much against an innocent officer as in the case now contended for it would against a prisoner, because the officer may have a warrant which is perfectly good and valid upon the face of it; but if to make a warrant for the imprisonment of the subject lawful, you may look to extrinsic matter, I do not know why you should not look to extrinsic matter to make

Reply.

19 Nov. 1844.

Mr. *Kelly.*

make it unlawful, and yet that could not be in the case of an officer. If this court issue a writ to the sheriff to arrest a man, and the sheriff arrest him, and the writ be good upon the face of it, the sheriff is justified, although the Court may have done wrong, and there may have been no judgment, yet with regard to the instrument itself, it is that and that only which must be the guide of all parties, because it is that and that only by virtue of which the officer acts. This principle rests therefore, my Lords, upon reason, and it rests, as I hope I have shown, upon authority.

Then, my Lords, let us suppose that reference may be made to the averments. I submit to your Lordships, that for the reasons which I have given, and many others, it cannot; but suppose it may, what is the averment here upon which my learned friend relies? Now I call your Lordships' attention to the way in which this warrant is introduced. The defendant says, after the introductory matter, it was "Ordered and resolved by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, as follow (that is to say), that the plaintiff should be sent for and brought before the said House of Commons, in the custody Serjeant-at-Arms attending the said House of Commons; and that the Speaker of he said House of Commons should issue his warrant accordingly, whereupon the Right honourable Charles Shaw Lefevre, then being Speaker of the said House of Commons, in pursuance of the said order and resolution hereinbefore last mentioned, and in pursuance of and according to the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Sergeant-at-Arms of the said House before the said House, according to the order and resolution last-mentioned, for the purpose aforesaid, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered—." Then he sets forth the warrant.

Now my Lords, this is, on the one hand, contended to amount to an allegation that the form of this warrant is the form recognised and sanctioned by the privileges of the House of Commons; I contend, on the other hand, that it merely shows that the warrant, be it good or bad, be it for one purpose or another, was duly issued, that is, that it was issued according to the form, usage, and custom of the House; for example, that it was issued by the proper person, by the proper officer or member of the House, to wit, the Speaker, to the proper officer of the House, namely, the Serjeant-at-Arms. Then this allegation imports and amounts to nothing more than that the act of issuing that warrant was due and regular, according to the course and practice of the House of Commons. But it leaves the question of the validity, in point of form and substance, of the warrant itself totally untouched; we are not now upon the privileges of the House of Commons. I presume the House of Commons have no extraordinary privileges differently from other people or other bodies; we are now upon the common and plain interpretation to be given to the allegations in the pleading. What in ordinary pleading is the meaning of saying that a warrant is duly issued? Has it anything to do with the form of the warrant? If it were so, there is no one case in which a warrant for the imprisonment of a person, or for the seizure of property, when issued by a court or by a magistrate, containing the most palpable defects in form and substance upon the face of it, would not be legalized and rendered valid by the allegation that it issued duly and according to the custom and practice of the said Court, or duly according to Act of Parliament, in the case of a magistrate's conviction under Act of Parliament, or duly according to the law and custom of Parliament, if it relates to Parliament.

My Lords, I apprehend that these formal words may go to cure any defect in the manner, and mode, and time in which a warrant is issued, or any other act is done where it is not specially demurred to, but that it has nothing in the world to do with the form of thing itself. I need not refer to the innumerable cases in which the validity of magistrates' warrants has been brought under the consideration of this Court. Supposing the question now before the court to be one in which the warrant of commitment, or the mode of conviction of a magistrate was in dispute, and it appeared to be not conformable with the statute, so that it was bad and void in law, could it be cured by the strongest and best framed allegations that the magistrate duly according to Act of Parliament, and according to law, issued that warrant and delivered it to the officer to execute? Certainly not; it is the same, my Lords, not only with regard to warrants, but with regard to other

Reply.
19 Nov. 1844.
Mr. *Kelly*.

other instruments. I will take the case of an award; your Lordships well know it will not do if the award be bad upon the face of it, to say it was duly according to law, and according to the terms of the order of reference, that the arbitrator made his award.

My Lords, there are so many cases to this effect, that I should be sorry to weary your Lordships by referring to them, but there is one in particular which I will mention, the case of Everard *v.* Paterson, in 6th Taunton, page 645, because that was a case in error in the Exchequer Chamber; there there was a writ of error brought to reverse a judgment; it was in an action of debt upon a submission to arbitration; the award had been made in writing, and it was "averred that the arbitrators in due manner and before the day named duly made their award in writing," and so forth. The objection was taken that it was not alleged that the award was made under the hands of the arbitrators, as it ought to have been pursuant to the terms of the submission, and error was brought (this was not special demurrer) for that among other causes. It was argued by no less a learned person than the late Mr. Justice Littledale; he "contended that the words 'duly' and 'in due manner,' involved the allegation that the award was made under the hands of the arbitrators." Then he goes into the cases, and endeavours to show that any defect in the form of the thing itself, or any want of a formal allegation would be cured by those strong words, that it was duly made, that it was made in due form of law, and so forth, and a great variety of cases are cited. After taking time to consider, Lord Chief Justice Gibbs delivered the opinion of the Court, that the plaintiff in error was entitled to reverse the judgment upon this ground, that the award was not stated to be under the hands of the parties, and that that defect was not cured by the strongest allegations that it was alleged in due manner to have been framed.

I conceive therefore, my Lords, that if the House of Commons, or I should say the defendants mean to contend that this warrant is legalized by the privileges of Parliament, it ought in express terms to have been alleged that by the usages and privileges of Parliament, it was their privilege by a warrant in this form to arrest a party upon the grounds stated in the pleadings. But in truth even that is not stated; it may be quite true that upon certain considerations and upon certain grounds a warrant was issued for the apprehension of the plaintiff, and it may be shown that it was so, but here is no allegation at all upon the point, except that the warrant issued according to the ancient usages of Parliament; I apprehend that allegation is quite satisfied by proof that it issued while the Parliament was sitting, that it issued in due time before the prorogation, that it issued to the proper officer by means of the Speaker, and was delivered to the proper officer, the Serjeant-at-Arms, and that it issued in consequence of resolutions which had preceded it. But, my Lords, with regard to giving validity to the instrument itself, I conceive that that cannot be done without the distinct allegation to which I have alluded; and my Lords, I go further—I submit to your Lordships that if the plea had distinctly alleged that this warrant was clearly issued according to the usage, practice and privileges of Parliament, and that the House of Commons had the privilege which they had resolved that they had, namely, the privilege to issue warrants in this form to arrest any of the Queen's subjects under such circumstances, that would have been insufficient unless it had been alleged in the plea that that privilege and usage had existed as early as the time of Magna Charta: I do so upon the ground that *primâ facie* a warrant for the apprehension of the subject, assigning no cause, is illegal and void, and that no one arrested under such a warrant is arrested and imprisoned *per legem terræ* within the meaning of the statute of Magna Charta. And if that be so, it is not enough to say that the House of Commons have the privilege of doing so, because the allegation of privilege is an allegation of fact, as well as an allegation of law, and inasmuch as the privilege of the House of Commons may, as I have submitted to your Lordships for another purpose, in answer to a question put by the Court, have begun to exist in modern times, that would raise the question, what was the origin of the legality of this privilege? This privilege, if it began subsequently to Magna Charta, would be void; it is therefore only upon a distinct and positive allegation that it existed at the time of Magna Charta that the plea would show a sufficient justification.

And, my Lords, in turning from the subject, I have only another observation to offer, that is, to urge upon your Lordships to consider the importance of seeing that every form of law is strictly and amply pursued, and that every allegation in the plea is clear, unambiguous, absolute, and binding when it goes in defeasance and

Reply.
19 Nov. 1844.
Mr. *Kelly*.

and in destruction of the liberty of the subject. If this were a mere matter of custom, if it were a mere allegation of a matter of practice as to the time within which the writ should issue, or within which it should be returned, or the time within which the House of Commons should receive a particular class of petitions, or anything of that description, perhaps your Lordships would say that an allegation of the common intent was sufficient, and would not be disposed to question the validity of the argument which has been urged on the other side. But your Lordships will always bear in mind that if any of the allegations in this plea be used for any purpose at all, they are used for the purpose of authorising the imprisonment of the subjects of this kingdom in a manner under certain forms and warrants otherwise unknown to the law; I therefore conceive that your Lordships will not sanction the imprisonment of the subject under such circumstances. Your Lordships will not hold that by these *nova judicia*, *nova fora*, the people of this country shall be imprisoned, unless the matter be so clearly and distinctly alleged in the pleadings as that no one can doubt that if the privilege of the House of Commons can be to the extent claimed here it is alleged to exist, so as to admit of no misconstruction.

There is nothing, my Lords, in the allegation respecting the warrant having been issued according to the usage and practice of the House of Commons, except the words which I have read to your Lordships, that is, that the Speaker, according to the ancient usages of the House, issued his warrant. Now what is the plain grammatical meaning of that? Does it say the form of this warrant is according to those usages and customs? No such thing. It is merely that it was according to the usages and customs of the House that he issued this warrant. It applies to the act of issuing. I will agree that the warrant was issued, and that it has been dealt with and executed, and passed from hand to hand according to the ancient usages and practice of Parliament. But that is quite spart from the validity of the form of the warrant. We say a writ of *capias ad satisfaciendum* duly, according to the practice of the Court of Queen's Bench, delivered to the sheriff, and duly, according to the practice of the Court of Queen's Bench, delivered to his officer; but has that anything to do with the validity of the writ? All that might be alleged in the case of an action for false imprisonment, where a party had been sued under a writ, but that would not legalize the arrest if the writ was bad itself in point of form, because all these allegations, however strong, only grammatically as well as by fair construction refer to the fact of issuing, to the fact of delivering, to the use made in the execution of the thing, and not to the form and obligation of the instrument itself. I submit to your Lordships that that would be so in any ordinary case of practice; but *à multa fortiori*, this is the doctrine upon which your Lordships will act in a case where an entirely new instrument, unknown to the law, is sought to be legalized to abridge the liberty of a subject of this kingdom.

But, my Lords, to come to the last point in the case, supposing this warrant, though bad, may be abandoned or aided, and that it is sufficiently alleged that it was issued according to the usages and practice of Parliament, and supposing all the other averments can be called in aid of this warrant, then still comes this great question behind: suppose the warrant sufficient with the averments in point of form, and all the allegations sufficient likewise for that purpose, has the House of Commons the right and power, by the law of England, to arrest a person by his body, either to compel him to give evidence, or to arrest him, not upon a conviction, but upon a charge of contempt? The grounds stated in the two sets of pleas are, first, to compel him to give his attendance to be examined; and, secondly, to answer the charge of contempt. Now, my Lords, in the first place, no authority in any court of law has been at all cited at all tending to show that such a power has ever been recognized. No instance can be found in which a party ever was held justified for arresting and imprisoning another under an order of the House of Commons upon a charge of contempt, or upon any other charge, or still less on the ground, or under an order that he was to be brought up to give evidence; and I submit that it is entirely repugnant to the usages of the superior Courts, of which your Lordships must take judicial notice; it is contrary to practice, it is contrary to law, to hold that any Court has power to arrest a person upon a mere charge of contempt, or to arrest a person in order to compel him to give evidence.

My Lords, with regard to arresting a party to bring him to give evidence, some authorities have been referred to, and it has been contended that such a power does

Reply.
19 Nov. 1844.
Mr. *Kelly*.

does exist, either in magistrates or in this Court, or in both; that is, a power not merely to issue a subpœna, and upon disregard of that subpœna to adjudge the party guilty of a contempt, and then to imprison him for it, but at once to act *in specie*, as we may say, and take him by his body, and bring him as a witness before the Court. Now, my Lords, first with regard to a magistrate; my learned friend was contending, upon the authority of the case of Evans *v.* Rees, that a magistrate has authority in a criminal charge to arrest a party who is a material witness, in order to compel that party to come and give evidence. My Lords, on looking at the case itself I do not think it will be found at all to warrant that doctrine. I conceive that when the authorities and the statutes from which magistrates derive their powers are considered, it will be found that a magistrate has power to summon a witness. It is said by Lord Hale, and I am not disposed to dispute it, that if the witness fail to appear, the magistrate has power, like superior Courts, to commit him to prison for his contempt in not appearing; and if he do appear, and refuse to be bound over to give evidence upon the trial of the case at the sessions or assizes, the magistrate has undoubtedly power to commit him for want of recognizances; he may commit him in order to make him a witness upon the trial. But, my Lords, it will not be found that there is any power in any magistrate to arrest a person in order to make him a witness before him in any manner whatever.

Now let us see what the case of Evans *v.* Rees was: a "trespass for assault and false imprisonment—not guilty, by statute;" and on the trial it appeared that the defendant was a magistrate of Carmarthenshire, and that the plaintiff had been imprisoned under his warrant, which was as follows: "County of Carmarthen; To the constables of the parish of Llanarthney, in the said county, and to all others Her Majesty's peace officers; whereas Edward Adams, of, &c. esquire, hath made oath unto me, John Hughes Rees, one of Her Majesty's justices of the peace in and for the county of Carmarthen, that on the 8th of August last he was violently assaulted whilst in the execution of his duty," and so on; "and that William Evans, of, &c. in the said county, farmer, is a material witness in the premises: and whereas I did thereupon issue my summons to require the said W. E. to appear at a time and place therein mentioned, to testify his knowledge in the said assault; and it has been proved before me, upon oath, that the said summons was duly served, but that the said W. E. did not then and there appear to testify his knowledge as aforesaid, but that the said W. E. said that he would not appear pursuant to the said summons: and whereas it is necessary for the ends of justice that the said W. E. shall appear at the next assizes to be held for this said county, then and there to testify his knowledge concerning the said assault; these are to command you, the said constables, to bring the said W. E. before me or some other of Her Majesty's justices of the peace in and for the said county of Carmarthen, to find sufficient bail to appear and give his evidence at the next assizes for this said county, and testify his knowledge concerning the said assault." Now that was undoubtedly a warrant to apprehend and imprison the party, and to bring him as a witness, for the purpose of making him give evidence before a magistrate. But, my Lords, all that was decided in that case was, that that warrant was invalid, that it was void; so that there was no decision in that case at all that any magistrate has power to arrest a person in order to bring him in custody to give evidence before him. That decision, therefore, is not in favour of the defendant, for the warrant was held void. But, my Lords, it appears that, in giving judgment, Lord Denman uses these words: "I throw no doubt on the power of the magistrate to do all that is necessary to compel the attendance of those witnesses whom he knows to be material." Now, so far I may as well advert here to another branch of the argument used by my learned friend——

Lord *Denman*.—Where is that?

Mr. *Kelly*.—This, my Lord, is in page 59 of the twelfth volume of Adolphus and Ellis, in the case of Evans *v.* Rees. My Lords, so far the expressions, as fairly and substantially understood, are perfectly correct; that is, there is a power to compel persons to appear and give evidence; and my learned friend, I was going in justice to say, has made ample use of expressions to the same effect, to be found in a very great variety of cases. He says it is to be found that there is a power to compel the attendance of a witness, and he finds in the Journal of the House of Commons, and proceedings connected with the House of Commons, he finds even in the language of Mr. Justice Patteson, in the case of Stockdale *v.* Hansard,

Reply.
19 Nov. 1844.
Mr. *Kelly*.

Hansard, this actual declaration, that there can be no doubt of the power of the House of Commons to compel the attendance of witnesses to be examined in matters of public importance before them; and hence my learned friend says, Here is a multitude of authorities to show that a person may be arrested, in order that he may be brought to give evidence as a witness. My Lords, I take leave to differ with my learned friend in the construction of those words. It is truly said by Mr. Justice Patteson, it is truly said by my Lord Denman, with reference to the power of magistrates, and it may be as truly said by any one, as to the power of all the Courts having jurisdiction for the trial of causes, that they have power to compel the attendance of witnesses. The question is, how? The power to compel the attendance of witnesses may be by issuing a subpœna, and, if the subpœna be disobeyed, by punishing the party by an attachment, such an attachment being an attachment for contempt, as well as by the actual power to apprehend the party. All Courts have power to issue a subpœna, and on disobedience to that subpœna to punish the party by attachment, by imprisonment, and thus in that sense they would be said to have power to compel his attendance, and to compel him to give evidence, for they have equal power to compel his attendance and to compel him to give evidence; that is, they have power to punish him by fine and imprisonment if he fail to do either the one or the other, but that is all. I apprehend it will be found perfectly clear, it is not a matter of doubt, that no court in this kingdom has power to apprehend a person for the purpose of making him give evidence. It may in one sense compel him, it may punish him by imprisonment for not doing it; if he fail to come it may punish him upon attachment for a contempt; or if he come, and being here refuse to give evidence, in one sense the Court may compel him to do so; that is, it may punish him if he does not do it; but the Court has no more power to apprehend and bring him as a witness, than it has power to inflict torture to compel him to speak when here; and therefore it is a misconstruction of the language of judges and of the language of the law to say that when you find it laid down even in a hundred places that there is a power to compel the attendance of witnesses, that means a power to apprehend them and bring them in custody as witnesses. Thus far no doubt it is correct. "I throw no doubt on the power of the magistrate to do all that is necessary to compel the attendance of those witnesses whom he knows to be material. Here, if the warrant had merely recited the witness's refusal to attend, and directed the constable to bring him, there might not be much doubt that it would have been justifiable."

Now, my Lords, I am sure I need not say that I speak with unfeigned respect of anything that falls upon this or any other matter of law from so very high an authority, but I must add that I have looked in vain either for decisions, or even for dicta, to show that a magistrate has any such person by law as that which I presume must have been in the mind of the noble and learned Judge at the moment when, if correctly reported, he used those words. Certainly I agree with my learned friend, that it is to be inferred, when Lord Denman said, that "if the warrant had merely recited the witness's refusal to attend, and then directed the constable to bring him, there might not be much doubt that it would have been justifiable." His Lordship thought it would have been justifiable; but I apprehend when your Lordships come to look at what is the origin and nature of the power of the magistrates, no such power as this will be found to exist. The course a magistrate must pursue is this: if a criminal charge come before him, and it be alleged that any particular witness is necessary, he may summon that witness to attend; if the witness attend he must give evidence; if he give evidence, or if it appear that he can give material evidence, so that it is thought necessary that he should be bound over to appear as a witness upon the trial at the assizes or sessions, the magistrate then has power to bind him over; it may be he has power to require sureties of him, though it is a very oppressive power if it exists, but at all events, he has the power to bind him over; if the party refuse to be bound over, the magistrate may then commit him to gaol for his refusal; so that he has the power to summon, he has the power, if a witness appear and give evidence, or if his evidence be thought material, to bind him over to appear at the sessions; he has the power, as Lord Hale thought, and I am not disposed to dispute that either, if a witness refuse to appear, to imprison him for a contempt, but he has no power to imprison him, that is, to apprehend him, to put the construction my learned friend does upon the words, "send for," he has no power to send for him in custody and to apprehend and bring him in custody to compel him to give evidence; and I apprehend that my Lord Denman, in throwing

Reply.
19 Nov. 1844.
Mr. *Kelly*.

ing out the opinion which he did, for clearly it is no more, had not at the moment adverted to the terms of the Acts of Parliament under which alone the powers of magistrates in these cases exists. My Lords, these are the Acts of Philip and Mary, and indeed all that can be said upon this subject is cited in the argument in the very case to which I have just called your Lordships' attention, from 2d Hale's Pleas of the Crown, p. 282. It is said, "Now as touching the compulsory means to bring in witnesses, they are of two kinds; 1st. By process of subpœna issued in the King's name by the justices of peace, oyer and terminer gaol delivery, or King's Bench, where the plea of not guilty is to be tried. 2d. Which is the more ordinary and more effectual means, the justices or coroners that took the examination of the person accused and the information of the witnesses, may at that time or at any time after, and before the trial, bind over the witnesses to appear at the sessions, and in case of their refusal either to come or to be bound over, may commit them for their contempt in such refusal, and this is virtually included in this their commission, and by necessary consequences upon the statute of 1 & 2 Philip and Mary." Then Dalton's Justice is much to the same effect, and your Lordships will find by the statute of Philip and Mary that this is all that they have power to do.

The first Act, my Lords, is the 1st and 2d of Philip and Mary, c. 13, by sect. 5 of which it is provided, "That every coroner upon any inquisition before him found, whereby any person or persons shall be indicted for murder or manslaughter," and so on, "shall put in writing the effect of the evidence given to the jury before him being material; and as well the said justices as the said coroner shall have authority by this Act to bind all such by recognizance or obligation as do declare anything material to prove the said murder or manslaughter, offences or felonies, or to be accessory or accessories to the same as is aforesaid, to appear at the next general gaol delivery to be holden within the county, city or town corporate where the trial thereof shall be, then and there to give evidence against the party so indicted at the time of his trial, and shall certify as well the same evidence as such bond or bonds in writing as he shall take, together with the inquisition or indictment before him taken and found at or before the time of his said trial thereof to be had or made; and likewise the said justices shall certify all and every such bond," and so forth. "And in case any justice of peace or coroner shall after the 1st day of April offend in anything contrary to the true intent and meaning of this present Act." Then there is the punishment, so that your Lordships see this statute gives the power of summoning and binding over to appear upon the trial, but no power to arrest in order to bring the party to give evidence before any magistrate or coroner.

The next statute is the 2 & 3 of Philip and Mary, c. 19, and that says, "Forasmuch as the said Act," that is, the one I have last referred to, "doth not extend to such prisoners as shall be brought before any justices of peace for manslaughter or felony, and by such justice shall be committed to ward for the suspicion of such manslaughter or felony," and so on, "Be it enacted, that from henceforth such justice or justices before whom any person shall be brought for manslaughter or felony, or for suspicion thereof, before he or they shall commit or send such person to ward, shall take the examination of such prisoner, and information of those that bring him, of the fact and circumstance thereof, and the same, or as much thereof as shall be material to prove the felony, shall put in writing, within two days after the said examination, and the same shall certify in such manner and form, and at such time as they should and ought to do, if such prisoner so committed or sent to ward had been bailed or let to mainprize," and so on, and then that they "shall have authority to bind all such by recognizance or obligation as do declare anything material to prove the said manslaughter or felony against such prisoner as shall be so committed to ward, to appear at the next general gaol delivery to be holden within the county," and so on.

These, my Lords, are all the statutes upon this subject, with the exception of the modern statute of the 7 Geo. 4, c. 64, which gives the same power in cases of misdemeanor, and otherwise extends the power of magistrates.

Mr. Justice *Coleridge*.—The 7 Geo. 4 does not repeal the statute of Philip and Mary.

Mr. *Kelly*.—No, my Lord, it is additional to it, it gives certain other powers, it extends it to misdemeanors. Now, my Lords, it is under these Acts of Parliament, and these Acts of Parliament only, that magistrates have any power at all over witnesses, either to summon them, to compel their attendance, or to commit them

Reply.

19 Nov. 1844.

Mr. *Kelly.*

them to prison if they refuse to enter into recognizances to appear upon the trial. And I should observe, that even if it had appeared upon any authority that magistrates had the power actually to imprison, that is, to arrest a man to bring him as a witness before them, it would have been under those statutes, it would have been by Act of Parliament. Of course, if there be an Act of Parliament to arrest without any cause at all, there is an end of the argument as to the legality of the imprisonment. But, my Lords, in truth it is a mistake to suppose there is any such power as that contended for. Magistrates in criminal cases are precisely in the condition that judges are in civil cases, with the exception that they have power, which judges have not, to commit for not entering into recognizances; their power is limited to this: they may summon a witness; if the witness fail to appear pursuant to the summons, Lord Hale thinks, and perhaps correctly, that they may commit for contempt: if he do appear, and either upon evidence which he gives, or upon evidence which he may give, it is thought that his evidence will be material at the trial, they may bind him to appear at the trial, and if he refuse to be bound over, he may be committed until he enters into his recognizance. That, my Lords, is the whole extent of the power of a magistrate; and in the case in Maule and Selwyn, which is referred to in the case cited by my learned friend, the case of Bennet *v.* Watson, in 3d Maule and Selwyn, page 1, the power which was held to exist in the magistrates under the statute was a power, not to bring the party in custody before them, but it was a power to commit even a married woman, because she could not get her husband to enter into recognizances for her appearance as a witness at the trial. But that was perhaps a very strong construction of the statute; be it so, it still is merely a construction of the statute, and it goes to this, that magistrates may compel the entering into recognizances, and in default of recognizances, it appears they may commit, so that the testimony of the party may be given; but that is in pursuance of the terms of the statute, and would put aside any question of common law; it is not a power to arrest a party to bring him as a witness.

My Lords, in regard to the powers of judges, I need not say that the practice upon this point is familiar to all your Lordships, as it has existed from the earliest times. A subpœna issues, whether from a civil or a criminal court; if the party refuse to appear in obedience to that subpœna, he is liable to an action at the suit of the party aggrieved; or upon complaint made to the Court of his having failed to appear without sufficient cause, he may be called upon to show cause; and if he do not appear, or show no sufficient cause, he may be adjudged guilty of a contempt, and may be imprisoned for that contempt; but there is no power in a judge, as it were, to take the law into his own hands, to apprehend a subject, and bring him before the Court, to compel him to give evidence, any more than there is to force him by any species of physical torture to give evidence when actually in the witness box. My learned friend asked if a witness were in Palace-yard while a trial was going on, a witness who had been subpœnaed, and said he would not come, is it to be doubted that the judge would have power to compel him?

Mr. *Solicitor-general.*—I did not say so; it was thrown out by the Lord Chief Justice, whether he had the power.

Mr. *Kelly.*—I knew the expression had fallen in the course of the argument, and I thought it fell from my learned friend; I beg my learned friend's pardon for supposing he put forward that proposition.

Lord *Denman.*] The case I supposed was, that a party was regularly in Court as a witness, and thought proper to depart from the Court without giving his evidence.

Mr. *Kelly.*] I was going to observe upon that my Lord; I cannot take upon me to raise a distinction (because it would be raising the most unsubstantial and absurd differences upon points of great public importance), whether a witness is in this Court, and so actually present, when of course the Chief Justice can call him forward, or order the tipstaff to bring him forward, if that power will apply, or whether he is outside the Court in the hall, or outside the hall in Palace-yard. I take it for granted, that if a witness is in court, there is a physical power to be actually exercised, *ex necessitate rei*, that the judge exercises a power over the person of that witness as over all the proceedings of the Court. But when we look to the great proposition, I will not go so far as Cornwall or Cumberland, but in the case of a man in the next parish, or over the bridge, in the next county, who is subpœnaed as a witness; if a complaint be made to the Chief Justice trying the cause,

Reply.

19 Nov. 1844.

Mr. *Kelly.*

cause, that the evidence of such person is material, and that the witness has refused to come, and is in his house, I submit, with confidence, there is no power in the judge to serve his officer with a warrant to apprehend him and bring him bodily before the Court as a prisoner, in order that he may give evidence. A judge at nisi prius may, for aught I know, have the power upon the spot to enter into a question of contempt, and may, upon the non-appearance of a witness, on proof before him that he has been desired to attend, and refused to attend, and that there is no just cause for his non-attendance, I take it the House of Commons has power, and a judge at nisi prius certainly ought to, to proceed at once to consider whether the man has been guilty of a contempt, and can adjudge him guilty of a contempt, and can issue a warrant to fine or imprison him. The House of Commons cannot fine, but they may imprison him accordingly. I have no doubt that power exists; but a power to imprison a party for contempt, that contempt being his non-attendance as a witness, and non-excuse, and a power to arrest a man and bring him as a witness into Court, are two very different positions; the one power, namely, to adjudge a party guilty of a contempt, and to imprison him for that contempt, exists in the House of Commons, in this Court, and in each of the superior Courts of the kingdom; while the other power not only does not exist, but there is no trace or record of it in any Court, the proceedings of which are known to the law.

If, therefore, my Lords, we are to judge by analogy to the superior Courts and their proceedings, to compel the attendance of witnesses, there is no such power. The same with regard to proceedings by attachment. I have dealt with that point incidentally in another part of the case, no Court in Westminster Hall, no Court in the kingdom, or in the world, that I know of, ever arrests a party in the first instance, upon a charge of contempt. You may issue an attachment in the first instance upon a contempt found and adjudged. That is always where in some way or another a party has had the power of justifying himself, or you may call upon him to show cause why he should not be adjudged in contempt, and then if he fail to appear convict him, and issue your warrant, and imprison him; but I say in the one case, as in the other, there is no instance to be found in any Court in this kingdom of such a power or such a practice as that of arresting a person and bringing him as a witness to give evidence, or arresting and bringing a party in custody to answer to a charge. And your Lordships upon this point will observe a difference well recognised in Westminster Hall. Although undoubtedly proceedings by way of attachment, when the attachment has once issued, are in the name of the Queen and *quasi* criminal, they are not for many purposes put upon the same footing as criminal proceedings. There is a case to which I will refer your Lordships in a moment, in the new reports, where a party had been inveigled and brought by some unfair means into a house, and there was served upon the spot with an attachment. The Court set aside the attachment, although it was urged that it was a criminal proceeding; that it was not like the execution of a writ by civil process, where if there were any fraud or connivance to get the party into custody, the Court would refuse to allow the process to be executed, but that the attachment was a *quasi* criminal process, and that where the party was once arrested upon criminal process, though he was entrapped into custody, still the arrest would be good and he could not be discharged. The Court there held that though the attachment was of a criminal nature, still it was in reality founded upon a civil proceeding, and that the arrest could not be maintained or justified, and they actually set aside the writ of attachment, because the party had been entrapped into a house where he was taken into custody.

My Lords, the analogy then is against the proposition contended for on the other side, for neither in civil cases nor in criminal ones has any superior Court, or has any magistrate, any power whatever to apprehend in custody a party, to bring him forward as a witness, nor does any power exist to apprehend and take a party into custody upon a charge merely of contempt. My Lords, I do not at this late hour propose to argue upon the expediency of such a power existing. Perhaps if such a power were to be exercised only by this Court, it would not be unwise in the Legislature to confer such a power, that is upon proper complaint made that a witness was somewhere within reach, whose attendance was desirable at the moment, to give the Court or the Judge the power of sending for that witness, and bringing him in custody to the Court. I do not say that such power would be ill placed in any Court in Westminster Hall, but I cannot help saying, if we are to look at the expediency of it, that such a power would be very ill

Reply.
19 Nov. 1844.
Mr. *Kelly.*

placed in the House of Commons, and it is necessary there should be either some legal authority or some direct averment in the plea that such a power and privilege exists, to induce Courts to hold that it does exist and to sanction it, because, with regard to the House of Commons, if the House of Commons should claim the power not to summon a party, and then upon default of appearance without just excuse to adjudge him guilty of a contempt, but at once (and that is the power contended for), without more, to send the mace or an officer, and arrest his body and bring him in custody, in order that he may be examined as a witness, one really sees there is but a slight distinction, if any at all, a very small and invisible line of demarcation, between that and an absolute power to arrest and imprison without any cause whatever; because if any honourable and innocent man may at any moment not be called upon to attend, and then be pronounced in contempt if he fail to attend without just cause, but may at once be sent for in custody (and that is what the argument goes to, if anything), one does not see but that the House of Commons possesses a power, for any purpose or for no purpose at all, at once to arrest any and every man throughout the realm; and therefore I do feel that this is a power which, except upon some clear and decisive authority, ought not to be recognized in the House of Commons.

But, my Lords, my learned friend, in order to show that this power exists, has called your Lordships' attention to the dicta of some Judges, to the effect that the precedents in Parliament are to be regarded, and the Journals of the House of Commons are to be regarded, and then he says that entries in the Journals of the House of Commons, which he seeks and which he finds in Hatsell's Precedents, show the existence, by means of the exercise, of that power. I must trouble your Lordships, therefore, with some short reference to the precedents which my learned friend has referred to, and a few observations (and they shall be very few indeed), upon the nature and effect of these precedents.

Mr. Justice *Williams.*—They were persons charged generally, were they not?

Mr. *Kelly.*—Certainly, my Lord, they were. I believe, without carrying your Lordships through the several cases which exist, they will be found to amount to this, that they are, where parties have been adjudged in contempt, sometimes certainly without any reason assigned by my learned friend, that such and such a person is ordered to be sent for, and then by and by, on another day, it is found that he is brought to the bar of the House of Commons; and because my learned friend has found some half-score or more of precedents in which the House, without proceeding to the adjudication of a contempt having been committed, has at once sent for the party, and I believe in one instance, it is said, sent for the party in custody, and he has been brought in custody. He says, this shows by precedents and by authorities binding upon this Court, that it is the usage and practice of Parliament, and that they have a right to arrest and bring a party in custody at once for this purpose, and therefore your Lordships are to take it as the law of the land.

Now, my Lords, I here, at the outset, beg with all humility to insist that there ought to have been upon this plea a direct averment that such was the privilege of the House of Commons, setting forth the claim of the privilege in direct and plain terms, so that we might take issue upon it or demur to it if we thought proper; because if I am told that the House of Commons allege in a plea that it is according to the usage and practice of Parliament to arrest the subjects of the Queen, and that therefore they acquire a right to it, it might as well be said that they have a right to put a party to death for murder. If they mean to say that they have the privilege to arrest any of the Queen's subjects upon a charge altogether unknown to him, or to bring the subject in question to the bar of the House to be examined, let them allege it; let them allege it by way of substantive averment, and then the man who feels himself aggrieved by its exercise will deny it in point of fact, or demur to it in point of law; and your Lordships will find that certainly the House of Commons were advised to be more candid and straightforward in their procedings in the case of Stockdale *v.* Hansard, because there the right to do the act complained of was claimed in pleading, by way of direct averment. I find, besides, all the other averments, and all the usual words, "according to the usage and practice," and so forth; and these general words, which may aid in matters of form, but cannot aid in matters of substance, this direct allegation; this is in p. 7 of Stockdale *v.* Hansard, in 9th Adolphus and Ellis. "And the said defendants further say, that the said Commons House of Parliament heretofore,

viz.

Reply.
19 Nov. 1844.
Mr. *Kelly*.

viz. on 31st of May, in the year last aforesaid, resolved, declared, and adjudged, that the power of publishing such of its reports, votes, and proceedings as it shall deem necessary or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, more especially to the Commons House of Parliament, as the representative portion of it." Now here, my Lords, was a direct allegation of a resolution made upon which the claim of privilege was founded, and it was open to the party aggrieved in that cause, either to traverse that allegation, or, as he did, to demur to it, and to contend before the Court that no such privilege could exist by law. Here, where some undefined and general right to arrest people at their pleasure, to make them witnesses, to examine them, or upon charges of contempt, is claimed, in the earlier part of these proceedings there is no distinct averment like that which I have read to your Lordships, which would enable me, as counsel for this individual, to argue against the the claim, and which would enable his legal adviser to traverse it, or to demur to it, so that your Lordships might determine upon its validity in point of law. All that is said is, that something was done according to the custom and usage of Parliament, and certain precedents are referred to, and I believe I may safely describe them all as coming within this class or character, that they are one and all instances in which the House of Commons has sent for, and sometimes sent for in custody, certain persons, and afterwards the persons have been brought before the House in order to give evidence or to be examined; and upon entries of this kind my learned friend contends that by authority, by immemorial usage, this privilege exists of arresting persons in the first instance upon a charge of attachment, or to examine them as witnesses before the House.

Now, my Lords, the first observation which occurs upon these precedents is this; they are all, I believe, comprised within one very short period; the very latest of them, if I recollect, was in the time of Chas. 1; there is no one since the Revolution.

Mr. *Attorney-general*.—There are hundreds in the Journals which go later.

Mr. *Kelly*.—My Lords, I can only deal with what my learned friend has brought under your Lordships' attention. There may, for aught I know, be entries in something like the same form in the Journals in modern times.

Mr. *Solicitor-general*.—No doubt.

Mr. *Kelly*.—If there are, I should ask your Lordships to put the same construction on them which must be put upon the language which is to be found with respect to the power of the Courts to compel the attendance of witnesses. No doubt it is to be found that such a person is sent for, and then that such a person is brought before the House, or appears before the House; but whether that is in pursuance of an undeterminate privilege to arrest at once upon a charge, or to arrest in order to examine, is yet matter of argument. Certainly, my Lords, the instances which my learned friend has adduced are none, I believe, earlier than the reign of James the First.

Mr. *Solicitor-general*.—Henry the Eighth.

Mr. *Kelly*.—Henry the Eighth, is it? Certainly a reign to be preferred as authority for something against liberty. Be it so; Henry the Eighth, and then James the First, and Charles the First. But, my Lords, what are these precedents worth? If it had been averred, and it might have been, and then admitted upon the record that from time immemorial it was the course of usage and the privilege of the House of Commons thus to arrest persons under such circumstances as are stated in this plea; if that had been averred we might have traversed it, or we might have demurred to it, and then instances might have been given; but, my Lords, when I find nothing more is cited than precedents, I do venture to say that if, upon half a dozen or a dozen instances, ambiguous in point of language, your Lordships are to find that this new power to arrest, claimed by the House of Commons, exists by law, I know no extravagance, no injustice, no tyranny, which might not likewise be legalised by a decision of this kind upon precisely the same grounds,—that instances of its exercise or its infraction are to be found in the Journals of the House of Commons, or in the precedents in Mr. Hatsell's Book.

Mr. *Solicitor-General*.—Which are from the Journals?

Mr. *Kelly*.—Which are from the Journals I admit. Now your Lordships find in the very same book of Hatsell, and at much about the same time as the precedents cited by my learned friend, this entry, in page 161, relating to the end of the

Reply.
19 Nov. 1844.
Mr. *Kelly*.

the Parliament of 1628. "On the 4th of June 1621 the House is informed of Johnson, Sir James Whitlock's man, being arrested. The parties are immediately called to the bar, and heard on their knees in their defence, and after a variety of propositions made for several degrees of punishment, it is ordered upon the question, that they shall both ride upon one horse barebacked, back to back, from Westminster to the Exchange, with papers on their breasts, with this inscription, "For arresting a servant to a member of the Commons House of Parliament;" and this to be done presently, *sedente curia*. And this their judgment was pronounced by Mr. Speaker to them at the bar accordingly. This very new and extraordinary punishment was awarded, notwithstanding it appears from the Journal and the Parliamentary Proceedings that both these parties had acknowledged their fault and craved forgiveness of the House and of Sir James Whitlock." So that here is the case of the arrest of a Member of Parliament's servant; and if at this day we are to look to precedents, if upon the vague allegations in this plea of something or other having been done, or warrants having been issued according to the usage and custom of Parliament, the privilege to arrest under such circumstances is to be claimed as part of the law of the land upon precedents, if any two parties were to be placed back to back upon a horse, and sent from Westminster Hall to the Royal Exchange because they had done some injury, even if it were an injury, to a servant of a Member of the House of Commons, precedents might just as well be cited in justification of such a proceeding.

Mr. Justice *Wightman*.—What volume of Hatsell do you cite from ?

Mr. *Kelly*.—I have been citing from the first volume of Hatsell, my Lord, chapter 3, page 161, "End of the Parliament of 1628." I find there is another entry in page 187, which is the last with which I trouble your Lordships from Hatsell. "On the 12th of February 1620, Mr. Lovell complains that one Dayrell had threatened his person; he is ordered to be sent for by the serjeant; the same day he is brought to the bar; but denying that he spake the words charged upon him, he is ordered to attend again the next day with his witnesses; he accordingly attends on the 13th, but one of his witnesses being a woman, Mr. Crewe and Sir Edward Coke oppose her being called in, very greatly objecting, on the authority of St. Bernard, that a woman ought not to speak in the congregation." A committee is therefore appointed to go out and examine her at the door, and Sir Edward Gyles reports the examination, and Dayrell is ordered to be committed to the serjeant, and then to come and acknowledge his fault, which if he does not do, then to be committed to the Tower.

Now, my Lords, really there is nothing however tyrannical, there is nothing however ludicruous and absurd, which is not to be justified by precedent after precedent, if the mere Journals of the House of Commons are to be taken as proof in support of a right of this nature. My Lords, I apprehend that in order to establish a right in a manner unknown to the common law, under a warrant, in a form repugnant to every principle of the common law, to arrest the Queen's subjects, there must be some distinct and positive allegation in the pleading, and there must be, in support of that allegation, if it be demurred to, an allegation that the privilege exists, and that it has existed from time immemorial. There must be something to show the exercise of that privilege, sanctioned by the Courts of Law in Westminster Hall; if we find that the power of the House to commit for contempt has been questioned over and over again, and though recognized and sanctioned by courts of law (but even that has been denied) where it has been admitted, subject to the qualification that if the nature of the contempt be stated, and that is repugnant to the principles of law, even then a court of law may inquire whether the privilege be lawful or not, and hold that it is invalid. If we find that even in cases of conviction for a contempt, that is the law of the land, surely we must look for some authority to show that where there has been no conviction at all, but a mere charge, which may operate upon an innocent man, the apprehending him in custody, to bring him as a witness, is to be held lawful in a court of law as the practice and usage of an immemorial privilege of the House of Commons.

But, my Lords, one word more upon those precedents, in conclusion, and with reference to a case which, to my inexpressible astonishment, I heard quoted by my learned friend, the Solicitor-general, as an authority in the law of England, that

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Reply.
19 Nov. 1844.
Mr. *Kelly*.

authority being a dictum of a very learned judge. The case to which I alluded which he has quoted as an instance of the exercise sanctioned by law, of privileges, of the House of Commons, is the case of Jay *v.* Topham, as it appears, referred to in the 12th volume of State Trials, page 882.

Mr. *Solicitor-general*.—My learned friend must have misunderstood me; I am sure he would not misrepresent me intentionally. I did not quote that case as an authority for the assertion of the privileges of the House of Commons; I quoted it for what was said by Sir Francis Pemberton and Sir Thomas Jones, with regard to the plea in bar, that the order of the House of Commons had been pleaded in bar in that action.

Mr. *Kelly*.—Then, my Lords, so far as my learned friend is supposed to have referred to this case as an authority for the privileges of the House of Commons, I will assume that I am mistaken; so far as it is referred to as an authority for the law declared by the judges, Sir Francis Pemberton and Sir Thomas Jones, I will make an observation or two upon it. But, my Lords, I must take leave to refer to the case, in order that your Lordships may see the value to be attached to these words, that a person is brought in by order of the House, or sent for by order of the House, and that such an order has been acted upon, because, if my learned friend did not refer to this case as a precedent for bringing a person in custody before the House, he referred to cases, or precedents rather, in Hatsell, in which the same language is to be found, that a person is brought (which of course imports brought in custody) before the House of Commons.

Now, my Lords, let us see what this proceeding was. "Mr. Topham, Serjeant, attending the House of Commons, having by his petition complained that he had been a great sufferer by several prosecutions at law for executing the orders of the House, and that having pleaded these orders to the jurisdiction of the Court of King's Bench, his pleas had not been allowed, but judgment was given against him, the House referred the examination and consideration of this matter to the Committee of Privileges. Accordingly the Committee met, and examined the matter. "July 6. 1 William and Mary. Colonel Byrch reported the fact as it appeared to the Committee, with the opinion of the Committee thereupon, with which the House agreed in these words: Resolved, That The House doth agree with the Committee, that the judgment given by the Court of King's Bench in Easter Term, 34 Car. 2 Regis, upon the plea of John Topham (at the suit of John Jay) to the jurisdiction of that Court; and also the judgments given against the said Mr. Topham at the suit of Samuel Verdon, John Hilliard,"—and several others that are named—" are illegal, and a violation of the privileges of Parliament, and pernicious to the rights of Parliament."

Now, my Lords, I will pause here for a moment, because I find the language of the Resolutions and of the proceedings of the House of Commons quoted as authority to show that whatever they had done was therefore within their privilege, and that therefore that privilege was lawful. Here we begin with this case, to which, at least for one purpose, my learned friend has referred, by finding that if the question now were, whether by the law of the land a judgment of this Court could be impeached, and could be deemed a breach of privilege, and certainly as the privilege of Parliament is part and parcel of the law of the land, therefore a breach of the law of the land, by a Resolution of the House of Commons; if the question were, whether a judgment of this Court, regularly delivered in the course of its judicial proceedings according to law, could be deemed a breach of privilege, and could be deemed an unlawful act, because the House of Commons had declared it to be so. My learned friend might just as well have regarded it as authority to show, and have contended before your Lordships, that such a judgment was unlawful; that the House of Commons was justified, and that your Lordships were wrong, and guilty of a violation of the law, as to have cited those precedents in Hatsell to show that the House of Commons possesses the power to arrest a man guilty of no offence, only upon a charge of contempt, not itself a crime, or, still less, suspected of no offence, but merely arrested because he is ordered to attend as a witness. However, we find what precedents are in the books, and what the House of Commons, in its view of the law of England, resolves to be parcel of that law.

It is then stated, "The House being informed that Sir Francis Pemberton and Sir

Reply.

19 Nov. 1844.

Mr. *Kelly*.

Sir Thomas Jones were Judges of the King's Bench at that time, ordered them to attend upon Wednesday next following." Then, "July 10, 1689, The House being informed that Sir Francis Pemberton and Sir Thomas Jones attended pursuant to the order of The House." Now, I pray your Lordships' attention to the language of this warrant of the House of Commons, because it is just the same, *in totidem verbis*, as that upon which my learned friend relies for the right in the House of Commons to imprison persons for the purpose of examining them. "Sir Francis Pemberton was first brought in." Here then is a case, not only in which the House of Commons sits in judgment upon this Court, and the Judges of this Court, for a judgment pronounced by them in the discharge of their duty here, but actually the Judges are brought in; and if the precedents referred to mean anything, if "sent for" means a power to send for in custody and arrest, "brought in" must mean brought in in custody, for no one can be brought in who is not in custody of the person bringing him. Here is an authority that these Judges are sent for, and that they are brought in, which must import, if precedents are worth anything, brought in in custody, in order to answer for the judgments they have delivered in this Court. Then Mr. Speaker addresses Sir Francis Pemberton, and tells him, after alluding to the case, "So The House has sent for you." Here again is the expression of my learned friend pervading all these precedents, "sent for." He says, here are a hundred precedents to show that the House of Commons has power to send for and bring anybody in custody of the Mace formerly, the Serjeant-at-Arms. Now "The House has sent for you," and he was brought to the bar of the House, "to know upon what ground you did it.—Sir *Francis Pemberton*. Sir, I know nothing of this action. I have been out of the Court now six years this vacation. If I saw the pleadings, it may be I might give you some account of it; but I cannot remember so many thousand actions as were brought at that time; but if you will let me know what the charge is, I do not doubt but I can give you a good account of it. You say, Sir, he pleaded the jurisdiction of this House.—Mr. *Speaker*. That is, there was a plea to the jurisdiction of the Court of King's Bench; that it was done by order of this House, and so it concerned the jurisdiction of this House." And then Sir Francis Pemberton says, "This is quite new to me, for I knew not what I was sent for: you were pleased to summon me to attend, but I did not know for what, nor do I remember any such action brought by Jay. I remember only an action was brought by Verdon against Topham; and I remember there was a motion made to us for a new trial, in the case where there was 500 *l.* damages given, and we did give them a new trial, for we thought it monstrous and unreasonable damages." Then there is a conversation between the Speaker and Sir Francis Pemberton; and Sir Francis at last says, "I think, with submission, I can satisfy you that such a plea ought to be overruled; and I take it the law is very clear as to this, but as to what is laid to my charge with respect to this particular action, if you please to give me time to look into the records of the Court.—Mr. *Speaker*. The House will consider of it if you please to withdraw, and then give you their resolution. Sir Francis Pemberton withdrew." Then Sir Thomas Jones is brought in, and the same sort of proceeding takes place with respect to him; and finally Sir Francis Pemberton is brought in again: he prays time to refer to the case and assist his recollection, and another day is appointed for him to attend.

Now, my Lords, I certainly do venture to express my astonishment that my learned friend should have referred to anything which fell from a judge in the degrading and degraded condition of this gentleman, Sir Francis Pemberton, as authority in the law of England. Why here is a case in which, under the claim of privilege and power by the House of Commons, the Lord Chief Justice of the Court of Queen's Bench, and another learned and eminent judge of that Court—

Mr. *Solicitor-general*.—Not then.

Mr. *Kelly*.—No, not then, but they had been Judges; and what can it signify whether they had ceased to be Judges or not? Is the Lord Chief Justice of this Court, if he should retire from his high office in the decline of life, to be dragged forward in this manner to answer for a judgment which he has given here? They were not Judges then; but I say it was the Lord Chief Justice and another Judge of this Court who were brought to the bar of the House of Commons, and there, under the claim of privilege by the House, which is to be found accompanied with

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Reply.

19 Nov. 1844.

Mr. *Kelly*.

all that tends to confer authority just as much as any privilege claimed in this action. The Lord Chief Justice pleads an apology as a suppliant for the judgment which he has delivered while presiding in this Court; and it appears that after time being given to him, he is brought forward again, and then with the weight of the mace hanging over his head, he is made to give an account of the judgment which he has delivered. He, I lament to say, degrades himself so far as to give that account which must be looked at as a justification and apology, and it is the language in which he offers that apology under these most degrading and humiliating circumstances, that the Solicitor-general at this day cites as law before your Lordships. Why it is clear the man was in the situation of a slave; he dared not speak what he felt to be the law. Even when he is referring to the well known absence of all power on the part of the House of Commons to administer an oath, he cannot refer to it in express terms; but he puts it thus: "I never heard this honourable Court did condescend so far as to give any oath." He does not say you have no power to administer an oath, and therefore you have no power to do justice to a subject of the King, who has complained against one who has imprisoned him, and it must therefore be the course of the common law to give justice in this case.

Lord *Denman*.—The persons who were brought before the House of Commons were not judges at that time, and were not giving any judicial opinion; and I think we may well doubt whether all that fell from them is very accurately reported. I do not know what reports it comes from.

Mr. *Kelly*.—This, my Lord, is in Howell's State Trials.

Lord *Denman*.—I suppose it is taken as an admission that there is a power in the House of Commons to the extent of their privileges in that very case, which was a most flagrant abuse of that privilege.

Mr. *Kelly*.—I am obliged, I am sure, with very great reluctance, to refer to this case, but when I find my learned friend citing what fell from these judges as authority in support of the power of the House of Commons, I cannot but say that it is a case which ought not to have been referred to for such a purpose. We find, certainly, as my learned friend has stated, that one of the judges says, "Therefore I thought that the high authority and high nature of this Court could not exempt the King's Bench, being a court of law, to examine whether what was alleged to be done was done in pursuance of your authority or not;" and then he goes on to say, "Then I did consider with myself, that if this plea should be overruled the defendant was at no prejudice, for the same matter might be pleaded by way of bar." And here is what my learned friend relies upon, and it would have been admitted a good bar if true, and he could have no manner of prejudice that I know of by pleading as the Court directs: "We did not question the legality of your orders, nor the power of them, but the great business was, whether we had pursued this order of the House of Commons."

Now, my Lords, if that order was an order of commitment for a contempt found, there is no doubt this is perfectly good law, but my learned friend need not have adverted to this case to prove it—it is admitted—it has always been admitted by me—it is the result of the very judgment in Burdett *v.* Abbott and in Stockdale *v.* Hansard, and of every judgment which has fallen from this Court. But if it went to show (I will not weary or disgust your Lordships by reading through the pages of this proceeding) what undoubtedly these unfortunate judges do appear then to have said, that by law, whatever the House of Commons declares to be its privilege, and whatever it orders, must be lawful; if it be cited for that purpose, I say it is directly in contradiction to the case of Stockdale *v.* Hansard, and is repugnant to the very first principles of the law of England.

My Lords, I dismiss this case by reading to your Lordships the resolutions which the House of Commons came to after thus examinig the judges, and after the apologies which were rendered by the judges upon this occasion, because if we are to take the resolutions of the House of Commons as found here and upon the Journals; if we are to take the acts of the House of Commons, particularly in imprisoning the subject, as lawful because they have done those acts, then this proceeding would be lawful, and your Lordships might either now while in office, or after your retirement from the high stations which you fill, be dragged to the the

Reply.
19 Nov. 1844.
Mr. *Kelly.*

House of Commons in custody, and be called upon to explain and apologize for the judgment which you had given here. If this be unlawful, and no man will venture now to say that it is not, what are precedents worth, what are those loose words, "sent for," "brought in custody," "brought in by the sergeant-at-arms," which are to be found in Hatsell, in the cases cited by my learned friend, worth? If they be worth anything for one purpose, to justify the imprisonment complained of in this action, it must be equally so in the case which I am putting to your Lordships. My Lords, after these judges have both of them in a humble tone, which we can hardly with patience consider of for a moment, entered into the reasons for their judgment, and given abundant reasons why they were called upon, and could not without a violation of their oaths, and a dereliction of their duty, have failed to pronounce the judgment which they did, the House of Commons proceeds in this way: "Then Sir Thomas Jones withdrew, and the House after a debate resolved, that Sir Francis Pemberton giving judgment to overrule the plea to the jurisdiction of the Court of King's Bench"; excellent lawyers, to resolve that a plea to the jurisdiction of the Court of King's Bench was bad in this case. But however, "that Sir Thomas Pemberton giving judgment to overrule the plea to the jurisdiction of the Court of King's Bench, in the case between Jay and Topham, had broken the privileges of the House"; and also resolved "that Sir Thomas Jones," and then there is the same language that this judgment "had broken the privileges of the House," that is to say, for declaring what every pupil of six months' studies would know to be the law of the land, which no one could doubt to be the law of the land, which they were bound by their oaths to declare, for declaring that to be the law, it is said not to be the law, and they are adjudged guilty of a breach of privilege; and then see what follows, which concludes this case cited by my learned friend. "And by order of the House both Sir Francis Pemberton and Sir Thomas Jones were taken into custody for the said breach of privilege, and lay till there came a prorogation."

My Lords, this would accordingly show that in the worst times, and when there were either the most timid or the most corrupt of judges administering or pretending to administer justice in Westminster Hall, there was something like a judicial decision or a dictum, which any one taking upon himself such an office had reported and had so sent down to posterity, showing that such a power as this, to arrest under a warrant assigning no cause, could be claimed as a privilege by the House of Commons.

Lord *Denman.*—It is not only to arrest under a warrant, but to extort 30*l.* from the plaintiff.

Mr. *Kelly.*—It was so, my Lord, in the case there. Of course, if there was anything of that kind, the conduct of the House of Commons would be less justifiable; and so I say here, there is just the same absence of authority in the House of Commons, or in any other tribunal, to arrest a man in this kingdom under a warrant setting forth no cause as to arrest, and imprison till a fine shall be paid. It happens to be more notorious that the House of Commons cannot fine——

Lord *Denman.*—What I mean is, that the case of Jay *v.* Topham was a case where the plaintiff complained that he was imprisoned by the Serjeant-at-Arms, and a fine of 30*l.* was extorted from him. Then it was pleaded that the privilege was a protection to the Serjeant-at-Arms, and it was for disallowing that plea as a justification that these two persons were sent to prison. That is the substance of it.

Mr. *Kelly.*—It is so, my Lord; but there it stands as an authority and a precedent, and if the House of Commons have done what the House of Commons have resolved, and what they have claimed as their privilege; if your Lordships are called upon now to determine the validity of this warrant, and it is sought to be made out to be valid because the House of Commons are supposed, if this record does sufficiently allege it, to claim the right to arrest under such a warrant, I do not understand why it is not just as repugnant to every principle of law that the House of Commons should claim to imprison any man in this kingdom under a warrant setting out no cause, and alluding to no cause, as that they should pronounce it a breach of privilege and a violation of the law for the Judges of the Queen's Bench to administer the law, if declaring it rightly and properly in their own Court.

I use

Reply.
19 Nov. 1844.
Mr. *Kelly*.

I use this case to show the utter valuelessness of mere entries, to be found in Hatsell, or in the Journals of the House of Commons, when we find that their proceedings or privileges have ever been the subject of judicial discussion; when we find even the dictum of the Judges in Burdett *v.* Abbott, and Stockdale *v.* Hansard, in which all the Judges advert to their privilege from arrest, their privilege of speech, and their privilege of sending (and I use the term, though not quite in the sense of my learned friend), for persons, papers, and records; when we find all this allowed and admitted by judges, I agree that goes to show that those are their privileges, but when a privilege is claimed to arrest and imprison, merely by virtue of a warrant which could not emanate from any court of law in the kingdom, which is unknown in form to the law, which is in such a form, that unless sanctioned by such claim of privilege it must be held to be void, because it assigns no cause, if we find that they have claimed a privilege upon this record to arrest by virtue of such a warrant, I submit they must show something stronger than their own precedents to legalize such a claim.

My Lords, I do not know that it will be at all necessary for me to refer to any more of the authorities which my learned friend has mentioned. There is, however, one to which he adverted to-day; and again I must express my surprise that it should have been quoted as an authority in favour of any proposition for which my learned friend contends. I allude to George Goff's case, in 3d Maule & Selwyn, page 203. That was a case in which a complaint had been made, under the statute of the 25th of George 3, chap. 41, against the collector of rates for the parish of Richmond, who had refused to account. The warrant upon which he appears to have been apprehended is stated to have been issued upon complaint made against him, "for that he, having been duly appointed collector of the rates for the parish of Richmond, pursuant to statute 25 George 3, chap. 41, refused to account and pay over the monies collected by him by virtue of the Act to W. S., the person duly authorized to receive them, and the justices adjudged that he should be committed to the gaol, there to remain, without bail or mainprize, until he should have made a true and fair account," and so forth. My Lords, that warrant was impeached; it was held good; and Lord Ellenborough says, "If there was any uncertainty on the face of the commitment I should have agreed with the argument; but, coupling the premises with the conclusion, is it not in effect the same as if the warrant had directed the gaoler to detain the party until he had accounted? We must read the warrant as if the magistrate had in the conclusion recited over again the adjudication."

My Lords, if this be cited to show merely that the warrant in question may be taken to have embodied in the concluding part the matter recited in the earlier part of it, it is not an authority to that extent. But I will not waste a moment in considering whether it has this effect or not, because, if the whole that is to be found in the recital as well as any other part of the warrant be taken together, there is no cause assigned for the imprisonment. But if it is considered as an authority as to the form of the warrant (and it was in that part of the argument that my learned friend referred to it), I can only say it is a very clear and direct authority that upon this warrant the Court, in order to determine its validity, looked to whether the matter which was required by the statute, that is, the offence of which the party had been convicted under the statute, was sufficiently stated. They held that it was, that the direction to the officer was sufficient, and so they held the warrant good. What authority that is in favour of a warrant which does not direct in any way the party to be taken at any time to any place, and which does not specify any cause at all, I do not know.

And, my Lords, with regard to a doubt which seems for a moment to have presented itself to Mr. Justice Coleridge, as to an action being maintained for an arrest under a warrant of commitment. Where the conviction is good, the case of Wickes *v.* Clutterbuck, which has already occurred to his Lordship's mind, is quite decisive upon the subject. That case, which is in 2d Bingham, page 483, was to this effect: "If a warrant of commitment does not show an offence over which the magistrate who issued it has jurisdiction, an action lies against him for the commitment, although there might have been a previous regular conviction;" and Lord Chief Justice Best says, "I am of opinion that the warrant of commitment in this case is bad." I am sure I need not say that the Lord Chief Justice, to whose judgment I now refer, was certainly not ever prone to consider

Reply.

19 Nov. 1844.

Mr. *Kelly*.

consider the cases of magistrates with any undue severity, yet we find that Judge saying, "I am of opinion that the warrant of commitment in this case is bad. It is not necessary, therefore, to consider the warrant of apprehension, the conviction, or any other proceeding previous to the warrant of commitment. It contains in it nothing which gives the magistrate any jurisdiction, much less any cause for fine or commitment. The warrant states, that the plaintiff was duly convicted before the defendant for fishing with a rod;" and then he goes to point out in what respects that warrant was defective. Then he says, "But it has been said, that the law does not require the offence to be stated in the commitment. It is not, perhaps, necessary that the offence should be stated with the same precision in the warrant of commitment as in the conviction, but enough should be stated to show an authority to imprison without such a statement; the officer cannot arrest." My Lords, I use this for every purpose, as applied to the present case. It is only one, among a great multiplicity of authorities, to show that any warrant, I care not whence, or from whom, or under what circumstances it emanates, any and every warrant by which a man is to be abridged of his liberty for a moment, must state the cause, and I deny that there is any approach to an exception to be found on any legal authority. The learned Chief Justice says, "Without such a statement, the officer cannot arrest; a man is not to be deprived of his liberty by a warrant which only shows that he has committed a trespass." Then he goes to point out the matter on which it is defective there. He then refers to Hawkins, in his Pleas of the Crown, who says, "that the offence ought to be set forth with convenient certainty, otherwise the officer is not punishable for suffering the party to escape, and the Court before whom he is brought by habeas corpus ought to discharge or bail him."

I hope your Lordships will not think me unduly repeating what I have before urged, when I say it appears clear, that whenever the mind of any judge of learning and experience is directed to a question of this nature, he applies to it, in his own mind, as the learned Judge does here, in the language in which he delivers his judgment, the very tests which I have submitted as infallible tests, determining the present case. He says, first, the matter must be stated in the warrant. Why? That the party may know whether he is to resist or yield. Why? In order that the officer may determine what he will do with him. But, again, and paramount to all, because the party must know how to obtain relief upon habeas corpus, that if there be no sufficient offence, he may be delivered; if it be doubtful, he may be bailed. All these things occur to every legal or judicial mind whenever any question upon a warrant or a mandate of any kind whatsoever arises.

The Chief Justice then says, "A man cannot be legally imprisoned whom it is the duty of a Court to discharge, and who may escape with impunity: such imperfect warrants provoke resistance to the officers who are charged to execute them." There is so much, my Lords, in this judgment pertinent to the present case, that I rather rejoice that from any cause I have been induced to bring it under your Lordships' attention. Then he says, "Another point has been made, namely, that the officer executing the warrant, who is not to blame, is liable to an action, but not the magistrate, who is. In trespass all are principals, and if an order be unlawful, he who gives it is as much responsible as he who executes it." We have it, then, very clearly laid down here; indeed, such is the principle of the common law, that when a man is imprisoned, and trespass is committed, the magistrate, or any other authority who directs the officer who executes, and all who are concerned, are principals. If it be under a warrant, that warrant must show a justifiable cause for the imprisonment, or the warrant is bad; and this is one in addition to other authorities, to show that it is by that warrant the party must stand or fall, and that even where there is a good cause behind, as there was here a good conviction, you cannot refer to that cause; a good conviction will not justify an arrest under a bad warrant.

My Lords, the same doctrine is to be found in a later case, referred to by my learned friend in 1st Crompton, Meeson and Roscoe. It will not be found that that case at all conflicts with Wickes *v.* Clutterbuck; the only difference there is, that that decision took place after the Act of Parliament passed which justifies the arrest of a man under a warrant, though the warrant may be defective, if there be a good conviction, which will justify the arrest. That statute, I need

not

Reply.

19 Nov. 1844.

Mr. *Kelly*.

not say, does not refer to the House of Commons; that decision, therefore, has no bearing upon the present question.

My Lords, with regard to the points of form to which my learned friend has adverted, I do not feel that I should be justified in adding anything to what I stated at the opening. I do not abandon these points; they are submitted to your Lordships for consideration; and I shall therefore at once conclude upon the great points of the case. My Lords, undoubtedly the question whether the House of Commons have power to arrest at all upon a mere charge of contempt, or have power to arrest, in order to bring a witness before them in custody, both are questions of very high and transcendent importance. I only observe upon them, that here the right to do so is now claimed for the first time; and I trust your Lordships will not give effect to a right or privilege in any tribunal, or in any body of men, to abridge the subject of his personal liberty, without clear and direct authority for doing so, without an authority equal to the authority against it, namely, the authority of Magna Charta itself. But my Lords, even these questions as to the right of the House of Commons, which I consider as not sufficiently raised upon these pleadings, to call upon your Lordships to determine them, are of inferior importance to the first and great question which is urged upon your Lordships' attention, and that is, whether any man or any Court, or the Sovereign, can have power to arrest an English subject upon a warrant setting forth no cause at all; my Lords, that is the question upon which mainly and principally I pray your Lordships' judgment. The authorities are now before the Court, the reasons which have been urged upon the one side and upon the other, have been submitted to your Lordships. I repeat, that from Magna Charta downwards, I can find no authority to legalize such an arrest; I can find nothing tending to support the form of such a warrant, and I do trust that your Lordships will not hold that either the House of Commons, or any body of persons, or any tribunal in this realm, can now create or assume, by means of any privilege founded upon this record, a power unknown to the law, and beyond the law, to arrest and imprison the people of this country without cause for that arrest.

Their Lordships consulted together.

Lord *Denman*.—We shall take time to consider this case; we do not think it right to say anything upon it on the present occasion.

JUDGMENT.

COPY from Mr. *Gurney's* SHORT-HAND NOTES of the JUDGMENT delivered in the COURT of QUEEN'S BENCH, Thursday, 15 May 1845.

Judgment.
15 May 1845.
Mr. Justice *Wightman.*

Mr. Justice *Wightman*:—I am of opinion that the plaintiff is entitled to judgment upon the demurrer to the pleas; and I come to this conclusion for reasons which involve no question as to the privileges of the House of Commons, but depend entirely upon the form of the warrant, and the mode in which it is pleaded as a justification.

The declaration charges the defendant with seizing the plaintiff, and compelling him to go along a passage to a room, and afterwards along another passage to another room, and there imprisoning the plaintiff; and then compelling him to return to the first-mentioned room, and there still keeping him in prison.

To this *primâ facie* trespass the defendant pleads four pleas, each setting up in substance the same justification; that the House of Commons, in order to compel the attendance of the plaintiff before them, made an order that the plaintiff should be sent for and brought before them in custody of the Serjeant-at-arms, and that the Speaker should issue his warrant accordingly; that the Speaker did, in pursuance of such order, and according to the usages and privileges of the House of Commons, in order that the plaintiff might be brought in custody before the House, by his warrant, reciting that the House had ordered that the plaintiff should be sent for in the custody of the Serjeant-at-arms, require and authorize the defendant (being Serjeant-at-arms) to take into custody the body of the plaintiff; and that by virtue of this warrant the defendant did arrest the plaintiff, and did, in order to bring him before the House in obedience to the warrant, force the plaintiff to go along the passages and into the said rooms, and imprison him there, as mentioned in the declaration.

To these pleas there is a demurrer, stating, amongst several other causes, that the warrant does not show why or wherefore the plaintiff was to be apprehended.

It is to be observed that the defendant justifies under the warrant of the Speaker, and under nothing else. He does not justify under the order of the House, nor under the order and the warrant taken together, but under the warrant solely; what he did, he says, was in execution of, and in obedience to the said warrant.

Admitting, then, the privileges of the House and the validity of their order to the fullest extent, will the warrant, as stated in the plea, justify the defendant in doing that which, upon the face of the plea, he admits he did?

The warrant, reciting an order of the House that the plaintiff should be brought before them in the custody of the Serjeant-at-arms, directs the defendant to take the plaintiff into custody; and there it stops. It does not direct the defendant to bring him before the House, or to take him into custody in pursuance of the order, or that he may be dealt with according to the order; but simply directs the defendant to take the plaintiff into custody. It has no conclusion stating why he is to be taken into custody, nor what is be done with him when taken, nor how long he is to be kept.

Under this warrant the defendant justifies not only the taking of the plaintiff into custody, but the taking him first to one place and then to another place, and keeping him there in order to take him before the House of Commons, which he was not directed to do by the warrant.

The plea states the order of the House to have been made according to the usage and privilege of Parliament, and that the Speaker was, according to such usage and privilege, directed to issue his warrant accordingly; and that the Speaker did, according to such usage and privilege, in order that the plaintiff might be brought before the House, direct by his warrant that the defendant should take him into custody; but the plea does not state that, by usage or privilege, a warrant to take the plaintiff into custody merely, was a warrant not only to take him into custody, but to bring him before the House, and to do all that was necessary for that purpose.

Was the defendant, then, at liberty to do more than he was expressly directed by the warrant to do, because he would see, by the recital of the order, that it required more to be done to fulfil it than was authorized or required by the warrant itself? Or is the warrant to be construed as directing the defendant not merely

Judgment.

15 May 1845.

Mr. Justice *Wightman.*

merely to take the plaintiff into custody, but to bring him before the House, and to do all that might be necessary for that purpose?

The terms of the warrant are precise as to the duty of the defendant; and independently of some usage or privilege the existence of which is not shown, there is no authority of which I am aware to warrant the addition, by implication or intendment, of a much greater power of disposing of the person of the plaintiff than is contained in the directions given in unambiguous terms to the defendant.

Several cases were cited, in which warrants of the Speaker, in pursuance of orders of the House of Commons, were set out at length; and in all of them the warrants were in terms fulfilling the orders of the House.

In Sir Francis Burdett's case, reported in 14th East, the warrant of the Speaker recited the order of the House that Sir Francis Burdett should be committed to the Tower of London, and required the Serjeant-at-arms "to take into his custody the body of the said Sir Francis Burdett, and forthwith deliver him into the custody of the Lieutenant of the Tower of London." These latter words would have been quite superfluous, if a direction and authority to the Serjeant-at-arms to take Sir Francis into custody, without more, would have warranted his not only taking him into custody but carrying him to the Tower of London.

In the case of the Sheriff of Middlesex, which arose out of that of Stockdale *v.* Hansard, and is reported in 11th Adolphus & Ellis 273, the warrant of the Speaker, after reciting the order of the House, required the Serjeant-at-arms to take the two sheriffs into his custody, and to keep them during the pleasure of the House.

In both these cases, as well as in all others of which I am aware, the warrant of the Speaker gave to the Serjeant-at-arms express authority to do all that he did in obedience to it.

The case of Goff, reported in 3 Maule & Selwyn, 203, was cited for the defendant to show that the express authority given by the warrant might be extended by the recital of the order; but that case is very distinguishable from the present. That was a commitment to the gaoler to keep the prisoner until he should be discharged by due course of law; and it was objected, that as the commitment was not for a crime, some period for which he was to be detained should have been stated. The commitment recited an adjudication that he should be committed until he had rendered an account; and it was held that, coupling the conclusion of the warrant with the recital, the time for which he was to be kept sufficiently appeared, and the conclusion until discharged by due course of law, was explained by the recital.

It is, besides, to be observed that the express terms of the warrant in that case authorized the gaoler to do all that he actually did, namely, to keep the prisoner in his custody; but here the express terms of the warrant do not authorize the defendant to take the plaintiff before the House or to any particular place; and it is proposed to use the recital, not to explain, but to give additional authority to the defendant beyond that which is given in express and definite terms.

It was also contended for the defendant, that any defects in the warrant were supplied by the averment in the plea, that the warrant was made "in pursuance of, and according to the usages and privileges of the House of Commons." This may be so, and the warrant, as far as it goes, may be in accordance with the usages and privileges of the House of Commons; but the averment does not include that which the defendant did beyond the authority given by the warrant, and will not remove the objection taken to the justification.

It is quite unnecessary to consider whether the defendant could or could not have justified under the order and the warrant together, by the introduction of other averments in his pleas; for he has justified under the warrant only. Whether it was by mistake or intentionally that the warrant was drawn in the form in which it is, it is not now very material to inquire. The form is unusual, and, as it seems to me, imperfect; and without at all questioning the privileges of the House of Commons, I am of opinion that the warrant will not support the justification: and though the objection upon which I form my opinion may perhaps appear technical and formal, it is in reality very important, as it is founded upon the principle, that an authority giving the right to seize or restrain the person of another, must be strictly pursued, and that defects in the express authority given to a ministerial officer to arrest, cannot, when the terms are otherwise clear and precise, be supplied by intendment. I therefore think that the plaintiff is entitled to the judgment.

 Mr. Justice

Judgment.

15 May 1845.

Mr. Justice *Coleridge*.

Mr. Justice *Coleridge*:—It is unnecessary for me, after the judgment of my brother Wightman, to repeat the statement of the record.

It appears to me that the questions which arise on this demurrer are five: 1st, Is the warrant stated in the pleas sufficient, if examined on ordinary principles, and without reference to its having been ordered by the Speaker in obedience to the order of the House of Common? 2dly, If not, does that circumstance vary the principle on which it is to be tried, so as to make it sufficient? 3dly, If not, are its defects such as prevent it from being a justification to the defendant, an officer of the House, bound, it may be said, to obey it? 4thly, If so, may this be helped by the facts stated in the pleas, showing under what circumstances the warrant issued? 5thly, If so, are those facts, as stated in any one of the pleas, sufficient for the purpose?

The statement of the warrant, which is the same in all the pleas, is this; that, after reciting that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, it did require and authorise the Serjeant-at-Arms then attending the said House of Commons to take into custody the body of the said plaintiff. The warrant, therefore, discloses that the Speaker issued, in pursuance of the order of the House to send for the plaintiff in custody, a command to the defendant to take him into custody; but it does not disclose that the party was charged with any offence, or had been convicted of any; still less does it show the nature of the offence; neither does it expressly direct the Serjeant-at-Arms where to take the body of the plaintiff, or how long to detain him. If for the House of Commons in this warrant, you substitute any other authority known to the constitution, it is quite clear that this warrant would be bad. The party sought to be arrested under it might have lawfully resisted, or if arrested, would be discharged upon the return of such warrant to a writ of Habeas Corpus.

It would be a waste of time to enlarge upon this point, and I will only refer to the Petition of Right, in 3d Ch. 1, sec. 5 & 10; Lord Coke's Commentary on Magna Charta, cap. 29, pages 52 and 53; and Lord Hale's Pleas of the Crown, vol. 2, pages 122 and 123. This last the rather, because, although he is inclined in some measure to qualify the strong language of Lord Coke, yet the utmost latitude which he will allow is, "That there must be a tolerable certainty in the body of the warrant for what it is, as for felony generally, though the particular is best to be expressed."

But secondly, as this warrant issues by the authority of the House of Commons, it may be answered, 1st, That as to the cause of arrest it is sufficiently stated, for the order is stated, and the order of the House is sufficient cause: 2dly, That if that were not so, still the warrants of the House are not to be dealt with as the warrants of ordinary magistrates, and that the form here adopted is sufficient: 3dly, That the plea avers and the demurrer admits this warrant to be issued in the form authorised by the law and usage of Parliament; which must conclude against all objections.

The first of these answers, which however applies only to the omission of a statement of the cause of arrest, is founded on the supposed authority of the House, and involves this proposition, that the House may order its officer to arrest any man and bring him in custody before them at its mere will and pleasure, without any previous summons, without charge of offence or adjudication of guilt, without any purpose to be answered; in a word, without any cause but their mere will and pleasure.

If this proposition be true, the cause of arrest is undoubtedly stated; and that objection to the form of the warrant fails. But is the proposition true? It is, I believe, the first time that it ever was asserted; and as it distinctly places the personal liberty of every commoner in the land within the irresponsible power of the House, as it asserts that, whether charged or uncharged, guilty or innocent, contemptuous and disobedient, or submissive and obedient, the House may imprison any one of us, it surely should have been shown, by those who maintain it, on what foundation it rests, what authority can be cited for it, whether it has been uniformly claimed, or whether it follows as a necessary consequence from the great duties which the House has to perform, or the generally acknowledged powers with which it is armed by the constitution. Nothing of this kind was attempted in this argument. It was not necessary for the learned argument in Stockdale *v.* Hansard, neither does it follow from anything there maintained, that the Commons are, in the words of Lord Coke, the general inquisitors of the realm.

Judgment.

15 May 1845.

Mr. Justice *Coleridge.*

realm. I fully admit that it would be difficult to define any limits by which the subject-matters of their inquiry can be bounded. It is unnecessary to attempt to do so now. I would be content to state that they may inquire into everything which it concerns the public weal for them to know; and they themselves, I think, are entrusted with determining what falls within that category. Co-extensive with the jurisdiction to inquire, must be their authority to call for the attendance of witnesses, and to enforce it by arrest, where disobedience makes that necessary, and where attendance is required or refused. In either stage of summons or arrest there need be no specific disclosure of the subject-matter of inquiry, because that might often defeat the purpose of the examination.

All this, however, which I not merely admit but maintain, falls immensely short of the proposition now in hand: it is to be observed that the pleas themselves, so far from resting on this, contain a full statement of the circumstances, showing that in the particular instance the Commons were fully justified in requiring the warrant to be issued. Had the Solicitor-general conceived that there was, by the constitution of Parliament, such an authority as is now contended for, it is inconceivable that a much shorter and more proveable plea would not have been put on the file: the mere issuing of this warrant by order of the House would have sufficed. In truth, common learning and the constitution, common justice and common sense, equally revolt against it. If such a limitation on the birthright of Englishmen existed, so important and so remarkable in its cause and consequences, it must have been stated (though it would have been recorded with regret, I think, and something like shame) in some one of the many definitions of our most valuable right, the rights of personal liberty, with which our text-writers abound.

I pass on to the second answer; that, with regard to the transcendant powers of the House and its identity with the people at large, and out of respect to its great dignity, the warrants which it issues are not to be dealt with as those which proceed from tribunals co-ordinate with ourselves or inferior. I cannot admit that the degree of strictness in which formal accuracy is to be required in warrants has been measured, or ought to be, by the dignity of the Courts from which they issue. Experience has shown that the liberty of the subject, with which we are entrusted, is involved in the accuracy in point of form of legal proceedings; for that reason accuracy is required; and in that view of it, it is no paradox to say that form becomes substance. The more powerful therefore the source, the higher in point of rank, the more strictness ought we to show, the more accuracy may reasonably be required. From the wide extent of jurisdiction, indeed, in the one case, and its narrowness in the other, a different rule of intendment exists; but with this qualification, the rule is as I have stated: and as it is no breach of respect to suppose that the highest functionary of the most exalted Court may imprudently err in point of form, however honest his intention; and as the most mischevous results might flow to the individual or to posterity if the inaccuracy were allowed to pass into a precedent, the more mischevous in proportion to the greater power of the Court, it is no breach of respect, but a bounden duty, respectfully to set such erroneous proceedings aside.

But it is trifling with language to speak of the present warrant as defective in form only. If the House cannot arrest of its own mere pleasure and without cause, to omit to state any cause and to rely on its mere pleasure, is to proceed with one essential of the jurisdiction absent. If the only objection to the warrant had been that it omitted to state expressly for what time the plaintiff was to be in custody, in whose custody to be kept, or where to be carried by the Serjeant, I think it might have been answered that all this might be collected with reasonable certainty enough from the recitals, at least sufficiently so for the purpose of protecting the officer in his obedience. But there is nothing from which the cause for issuing the warrant can in the remotest degree be gathered.

Lastly, it is said that, from the language of the pleas, we are bound to take it that the form of the warrant is according to the ancient usages and privileges of the House, the law and custom of Parliament.

If the result of the language of the record is that the plaintiff has admitted this, then I also distinctly admit that he is answered as against him. The law of Parliament must be taken to be as admitted; and whenever a Court of Law finds the law of Parliament applicable to the case before it, it is as much bound to govern its decision by it, as, in another case, by the common or statute law of the realm. The law of Parliament is parcel of the law of England, of the same authority as any other parcel. This, therefore, is merely a question of construction; and

Judgment.

15 May 1845.

Mr. Justice *Coleridge.*

and the first plea states an order of the House, in pursuance of and according to its ancient usages and privileges, and the law and custom of Parliament, "as follows; that is to say, that the plaintiff should be sent for and brought before the said House in the custody of the Serjeant;" and, "that the Speaker should issue his warrant accordingly." There can be no doubt that those last words import merely that the Speaker should issue the warrant in such legal and accustomed from as will legally effectuate the order of the House; but nothing can be collected from them as to what is the legal and accustomed form. They will not give validity to the warrant, in any but the legal and accustomed form. The plea proceeds: "Whereupon the Right Honourable Charles Shaw Lefevre, then being the Speaker of the House of Commons, in pursuance of the order and resolutions, and in pursuance of and according to the ancient usages and privileges of the House of Commons, and the law and custom of Parliament, afterwards, and before, &c., in order that the plaintiff might be brought, in custody of the Serjeant-at-arms of the said House, before it, according to the order and resolution last mentioned, for the purposes aforesaid, by his warrant in that behalf duly made after reciting therein that the House had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-arms attending the said House, did require and authorize the Serjeant-at-arms then attending the said House to take into custody the body of the plaintiff."

It is a maxim in the custom of pleading, that everthing shall be taken most strongly against the pleader; but I prefer to consider this language without any such unfavourable bearing. It appears to me clear that, considered candidly and by the light of common sense, all that is said of the usages of the House and the law of Parliament relates to the jurisdiction of the Speaker, and his act in issuing the warrant to effectuate the resolution of the House. All that relates to the qualities of the warrant itself is summed up in the words "in that behalf duly made;" but it is now settled law that the word "duly" will not supply the place of the specific allegation of any matter requisite to the validity of the act. If it were requisite that this warrant should be under the seal of the Speaker, to allege it "duly made" would not cure the want of averment that it was under his seal, (Everard *v.* Pattison, 6 Taunton, 645, is an authority for this, in the Exchequer Chamber); *a fortiori*, it will not cure the want of averment that it was made according to form, and with all the precedent required by the usage of the House and the law of Parliament. It was said, we must presume the writ to be in form according to the usage of the House; but if upon that its validity will depend, and that would have been a traversable fact, how upon demurrer can we presume it? We might thereby bar a plaintiff, when he might be in a condition to dispute the fact, upon a false assumption. Surely this would not be equal justice. I conclude therefore, thirdly, that the warrant as it appears on these pleas, is defective.

But it may reasonably be contended, that as the officer is bound to execute the Speaker's warrant generally speaking, and cannot be expected or required to scan its defects, it is not every fault in the warrant that ought to deprive him of protection for obedience to it. I think the law warrants the argument thus stated, and common sense and justice entirely sanction it; but it was also carried in the defendant's points, and by the Solicitor-general in the argument, to an extreme which one hears or reads with regret, and which ought never to be heard in a Court of Justice without provoking a direct denial.

The defendant's first point states, that he, being an officer of the House, is protected by an order of the House directing him to do to the plaintiff the identical act complained of; that such an order is of itself, and without more, an answer to the action. In the argument, this point, though stated to be unnecessary for the defence, was insisted on. No exception was admitted to the truth, no limit imposed on the generality, of the proposition. What the quality of the act commanded may be, is not to be inquired into. It is enough that the House has ordered it; and as the House is irresponsible, so must its officer be. I do not wish to misrepresent the language used, but I think I am bound so to understand it as resting the defence of the officer not on the quality of the thing commanded, but on the unlimited extent of the authority from which the command proceeded. If this were not so, language most alarming has been wantonly or carelessly used by those whom I with reason respect too much to believe them capable of being wanton or careless in any matter, least of all in such a matter as this. But so understood, I will venture to say that the proposition is not only untenable but monstrous. Extreme as it is, it might not unreasonably be met with extreme

suppositions.

Judgment.

15 May 1845.

Mr. Justice *Coleridge*.

suppositions. A proposition universally affirmative, cannot be true if the negative of it be true in any one particular; and it is no answer to say, that an abuse of such extreme power in our representative body cannot be respectfully or even decently presumed. I will presume nothing. We ought to have, I admit, the fullest confidence in the humanity, the justice, or the integrity of the House. It is entitled to our most sincere veneration; but we have a right to consider our liberties as independent of any such qualities in those who are in authority; as resting on laws; as things not precarious, but which we hold by right and charter. When Lord Camden delivered his memorable judgment in Entick *v.* Carrington (best reported in the State Trials, under the title of the Case of Seizure of Papers), he thought it a legitimate mode of proving the illegality of the warrant to show the consequences of its being legal, on the security of private papers and confidences of every Englishman; how it placed at the discretion of the Crown the secret papers, the cabinet and bureau, of every Englishman in the land, however innocent. If time allowed and I was so disposed, how much more strong a picture, without the slightest exaggeration of a feature, might be drawn of the state in which we should live by law, as to the security of property, liberty of person, safety of character, or life itself, if the propositions contended for on the part of the defendant were really sanctioned by that law? But it is needless, and I gladly forbear. It is enough to say that the law is supreme over the House of Commons, and over the Crown itself. If the limits of the law be passed by either, for most satisfactory reasons, they are indeed themselves irresponsible, but the law will require a strict account of the acts of all persons and their agents; and those, according to the nature of the illegality, will be answerable civilly or criminally.

The question however recurs, whether the defects in this warrant are of such a nature that it is not a protection to the officer; and this must be considered as at common law. The same great judgment to which I just referred, in showing that the defendants in that case were not within the statutable protection of the 24th of Geo. 2, furnishes abundant argument to prove the same as regards the defendant. I forbear to enlarge on this, however; for the defence very properly was not at all rested on it, and I mention it only that it may not be supposed to have escaped consideration. At common law I take the test to be, whether the defect in the warrant goes to the jurisdiction of the authority issuing it. If the magistrate have no jurisdiction, or if a want of jurisdiction appears on the face of the warrant, the officer was not bound to obey, and is answerable.

I find the law thus stated and illustrated by Chief Justice Willes, in delivering the judgment of the Court in Moore *v.* James and Others (Willes, 128):—"It has always been holden that a constable may justify under a justice's warrant, in a matter wherein the justice had a jurisdiction, though the warrant be never so faulty; but if a justice of the peace make a warrant to a constable to arrest a man in an action for debt, such warrant will not justify the constable, because he was not obliged to obey it, and must take notice at his peril that it was in a matter concerning which the justice had no jurisdiction." The expression "though the warrant be never so faulty," is too strong and general to be quite accurate. A justice of the peace has jurisdiction to cause the apprehension of a party charged on oath with the commission of misdemeanor; but if the Christian name of the party be left in blank, and no reason stated for the omission, but only an imperfect description of the individual, as "—— H. son of George H.," it has been decided by all the Judges that resistance would be lawful, and killing the constable not murder; Rex *v.* Hood, Moody, Crown Cases Reserved, 281.

Now it cannot be contended that the constable was bound to execute what the party might lawfully resist even to death. The ground on which the constable's justification can alone be put, the act itself being *prima facie* illegal, is, that an authority commanded him, and therefore made it his duty to do it. I have examined many parts of Lord Coke and Lord Hale on this point, but it is not very easy to extract a certain rule from them, nor to reconcile them with each other. The law, both with regard to the form of the warrants, and the authority of the magistrates to issue them, was not so accurately settled when they wrote as it has since been. Even Hawkins, at a later date, leans to the opinion that a constable may and ought to execute a general warrant to bring a person before a justice of the peace to answer such matters as shall be objected against him on the part of the King; for that the officer ought to presume that the justice has jurisdiction, unless the contrary appears; and "it may often endanger the escape of the party

Judgment.

15 May 1845.

party to make known the crime which he is accused of." (2 Pleas of the Crown, 81–2, chap. 13.) But neither this opinion, nor the reasons, could be maintained at this day.

Mr. Justice *Coleridge.*

In the 2d Institute, Lord Coke considers this matter of the requisites to make a good warrant, in two places: in the Commentary on Magna Charta, chap. 39, p. 523; and on the statute *De Frangentibus Prisonam*, E. 2, p. 591–2. What he says in the latter place, which would be more unfavourable to the defendant, ought not to be relied on, because it is said with particular reference to the statute: in the former, he is treating expressly of imprisonment lawful or unlawful, as that may depend on the goodness or badness of the warrant; one of the requisites to make it good he asserts to be a statement of the cause on its face. Among his reasons is the impossibility of the Court dealing with the case on a return to a *habeas corpus*, unless the cause of imprisonment appear; and he states that the Petition of Right has now made an end of the question. That statute, it may be remembered, recites the grievance, "That divers subjects have of late been imprisoned without any cause shown," and provides against it for the future. Having shown what is an unlawful imprisonment in this among other respects, he comes to the remedies, and among them enumerates this—Action of false Imprisonment: not making any distinction, it should seem, between the magistrate who issues and the officer who executes the warrant.

Lord Hale, Pleas of the Crown, at page 111 and also 578, states his opinion, that the warrant not containing a cause special, but being only general to answer such matters as shall be objected, is not void, but only erroneous, and will be a justification for the officer acting under it. At page 460 he says, "Although the warrant be not in strictness lawful, as if it express not the cause particular enough, yet if the matter be within his jurisdiction as a justice of the peace, the killing of such an officer in the execution of his warrant is murder; for in such case the officer cannot dispute the validity of his warrant, if it be under the seal of the justice." For this he cites the Year Book, 14th of Henry 8, page 16, which is not at all a satisfactory authority. All the Judges there seem to think that a justice could not arrest for felony; but the majority thought, as he was a Judge of record and had a seal of office, a warrant under his seal would protect the officer, though the matter was out of his jurisdiction. Again, Lord Hale, page 580, states, "That a general warrant, upon a complaint of robbery, to apprehend all persons suspected, and to bring them before, &c., was ruled void, and false imprisonment lies against the officer executing it."

Understood in one, and that the most reasonable sense, the test of jurisdiction is the safest and most generally applicable that can be suggested; the jurisdiction, namely, to arrest upon the facts stated on the warrant. If the warrant, in the shape in which it is granted to the officer, is such that the party may lawfully resist it, or, if taken on it, will be released on *habeas corpus*, it is a warrant which, in that shape, the magistrate had no jurisdiction to issue; which, therefore, the officer need not have obeyed, and which at common law, on the principle laid down, will not protect him against the action of the parties injured. Where the cause is expressed but imperfectly, the officer may not be expected to judge as to the sufficiency of the statement; and there, if the subject-matter be within the jurisdiction of the magistrate, he may be bound to execute, and as a consequence be entitled to protection; but where no cause is expressed, there is no question as to the want of jurisdiction. That is this case; and I am therefore of opinion that the obedience of the defendant was voluntary, and not protected by the warrant.

I come, therefore, to the fourth question; whether we may look to the facts alleged in the pleas, to supply that which is wanting in the warrant itself? and I have necessarily anticipated much of what I should have said on this point, in considering the last preceding question. Upon principle, this seems a question very easy of answer—Why is it necessary to state at all the cause on the face of the warrant? Several reasons are given in the text-books; not the least important is, that the party called upon to submit to the process of law may know what it is that is charged against him, and for what it is that he is called upon to yield himself a prisoner. If no cause or an insufficient cause appear, he takes his measures accordingly; should he resist, and kill or injure the officer in his resistance, and be brought to trial, it could not be contended that any fact could be added to the statement in the warrant, to his prejudice. The act with which he is charged must take its character from the circumstances as they then stood. He was resisting a wrongful imprisonment; wrongful, because

Judgment.

15 May 1845.

Mr. Justice *Coleridge.*

because the officer was not armed with legal authority for arresting him; and that is the act for which he is to answer. This reasoning equally applies if he submits, and brings his action for damages. Whatever cause for imprisonment may have existed, the action lies, because the imprisonment of which he complains was unauthorized and wrongful. As well might a new warrant be subsequently granted to the officer, and relied on by him as a defence, as facts be added in the plea to help out the defective warrant; those facts can only show that he might have been well arrested, not that he was; which is the question at issue.

We may come nearer to the point, and suppose not only a good cause but a good warrant, only that the constable has left it at home, and arrests him without any. The imprisonment clearly would be illegal. It could not be said to have been effected under and by virtue of a warrant, and surely no averment in the pleading could be allowed to cure the defect. Nor is this mere form. We are bound to look beyond the mere instance, at the evils which the precedent might let in, if any laxity were allowed in these proceedings by which our property, our liberty, and our lives are to be affected.

The case thus standing upon principle, I do not find any authority cited which looks the other way. The cases most nearly in analogy are those of commitments by magistrates after conviction; and those all maintain the argument of the plaintiff. The conviction will not defend the magistrate unless the commitment agree with it, and the execution be regular. The Legislature has interposed, by the 7 & 8 Geo. 4, cap. 30, sect. 39, to protect defective commitments, if they allege a conviction, and there be a good and valid conviction to sustain them. Our own practice on returns to *habeas corpus*, with a *certiorari* bringing up the depositions, in felony, proceeds upon the same principle; for though the warrant be bad, if the depositions disclose good ground for the imprisonment, we do not merely remand but recommit. Weeks *v.* Clutterbuck, 2 Bingham 483, and Rogers *v.* Jones, 1 Moody & Ryan 129, are authorities, so far as they go, the same way.

I think, therefore, that we are not at liberty to look at the facts stated in the plea, for the purpose of curing the defect in the warrant. It is unnecessary, therefore, for me to consider their effect. They are very properly pleaded; for they show that the Speaker had jurisdiction to issue a warrant, but they do not show that the warrant he did issue was a lawful one. I come to this conclusion with most sincere regret. I cannot but see, on the admitted facts, that the House was pursuing an inquiry strictly within its province; and it is to be lamented that its course should be obstructed by an inadvertency in the language used in the proceeding necessary to enforce due obedience to its commands, or that this Court or any members of it should even appear to be in conflict with it. It is a consolation that the difference is only apparent. No question of privilege or of jurisdiction is really at issue. One or two propositions have indeed been put forward, which I have been compelled to notice and to dissent from; but those have not been shown to be founded on any usage of the House. We were indeed told that to the Journals of the House we must refer for the law of Parliament in this matter; and I agree to the remark, for the law of Parliament must govern us in this case; the usage of Parliament, meaning thereby the clear ancient uniform usage, is the law of Parliament; but upon a reference, no warrant was produced in this form, or open to this censure. It was said that in earlier times the House arrested without a written warrant; and no doubt that appears to be so; but this avails nothing in the argument, unless it can be shown that the Serjeant did not orally communicate to the party the cause for which he was summoned or arrested. It is perfectly consistent with what appears, that he did so; and we ought to presume that he did, for we must presume that the House of Commons would proceed in the manner most consonant with reason and justice, and the analogy of the common law.

No distinction between the several pleas has been made in the argument on the part of the defendant. The conclusion, upon the whole, to which I have come, is, that our judgment ought to be for the plaintiff.

Mr. Justice *Williams*:—I have the misfortune to differ from the rest of the Court in this case; it is some satisfaction, however, to think that this difference does not arise upon any question affecting the existence or the extent of the privileges of the House of Commons. No doubt was attempted to be raised upon this point, in the argument of the learned counsel for the plaintiff; the objection to the pleas, and the right of the plaintiff to the judgment of the Court, were made to rest exclusively upon the form of the Speaker's warrant as set forth in those

Mr. Justice *Williams.*

Judgment.
15 May 1845.
Mr. Justice *Williams.*

pleas: a few additional words, as I understood that argument, would have removed all doubt and difficulty from the case. If in the warrant of the Speaker, the direction to the defendant had been not merely to take the plaintiff into custody, but "him safely to keep during the pleasure of the House," (and I am at a loss to understand what validity the warrant can receive from that addition,) I should have been unable to distinguish this case from that of the Sheriff of Middlesex, 11th Adolphus & Ellis; because, although in the present there is not, as in that case there was, a direct resolution or adjudication of a contempt, yet a contempt of the House of Commons and of its undoubted privileges plainly appears from the undisputed facts of the case.

It may be convenient therefore, thus early in the course of the remarks I am about to offer, to bring at once distinctly into notice what were the circumstances and what the occasion upon which the plaintiff was taken into custody by the defendant, the Serjeant-at-arms of the House of Commons; and in so doing I shall not deem it needful to travel out of the plea and the allegations therein contained.

It appears, then, that certain matters were under discussion in the House of Commons, and that it was considered by the said House to be necessary that the plaintiff should be examined at the bar of the said House; that it was thereupon ordered that the plaintiff should attend forthwith; that the plaintiff had notice of the said order and did not attend, but "wilfully and contemptuously" refused so to do; and that the said House was informed and had notice thereof; that thereupon it was ordered that the plaintiff should be sent for and brought before the House in the custody of the Serjeant-at-Arms, and that the Speaker should issue his warrant accordingly. Then follows the warrant, which it will be necessary hereafter to notice more particularly. At present I am only considering whether a contempt was in fact committed; and upon this part of the case no doubt, as I believe, has been or, as I think, can be raised. In the consideration of it, I perfectly agree with what was said by Lord Denham in the case of the Sheriff of Middlesex. "It is unnecessary," says his Lordship, "to discuss the question (the strong opinion of Lord Coke in 4th Institute 37, and the passages cited in argument, however, is well known) whether each House of Parliament be or be not a Court. It is clear that they cannot exercise their proper functions without the power of protecting themselves against interference." Equally clear is it, in my opinion, that in the exercise of their inquisitorial functions they must have the power of enforcing the attendance of witnessess, or their authority would be nothing, and the House of Commons but the shadow of a name. The House, therefore, had an undoubted right to order the attendance of the plaintiff; and upon his "contemptuous" refusal, to commit him for the contempt; or, as I think, to order him to be brought in custody before them, to show cause, if he had any, why he refused to attend, or to give evidence if required. Up to this point, therefore, there is, I apprehend, no doubt, and the matter is clear. The question is, as already stated, upon the form and manner in which the authority of the House has been vindicated upon the present occasion.

The plea states the Speaker's warrant thus: "Wherefore the Speaker, in pursuance of the said last-mentioned order (that the plaintiff should be brought before the House in custody, &c.), and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, by his warrant duly made, after reciting therein that the said House had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms, did require and authorise the said Serjeant to take into custody the body of the plaintiff." Then follows the justification of the defendant, that he took him by virtue of the warrant, in order to bring him before the House; and the question is, whether the said warrant be or be not to him a justification to him in the execution of his duty, no excess therein being pretended.

And before I proceed to examine that more minutely, I think it right to premise that all cases of warrants of commitment by inferior jurisdictions are, in my opinion, wholly inapplicable to the present. It seems to me clear that the warrant of the Speaker of the House of Commons, if brought before this Court, is judged of upon principles entirely different from those which govern the decision of the cases just referred to. The warrant in the case of the Sheriff of Middlesex was in the following form: "Whereas the House of Commons have this day resolved that William Evans, esq. and John Wheelton, esq. Sheriff of Middlesex, having been guilty of a contempt and breach of the privileges of this House, be committed to the custody of the Serjeant-at-Arms attending this House: These are, therefore,

Judgment.
15 May 1845.
Mr. Justice *Williams.*

therefore, to require you to take into your custody the bodies of the said William Evans and John Wheelton, and them safely to keep during the pleasure of this House; for which this shall be your sufficient warrant. C. S. Lefevre."

Now this, if examined according to the rules which prevail in the cases above mentioned, is, I apprehend, manifestly defective. If a person be convicted of being "a rogue and vagabond," and committed accordingly, and facts be stated not sufficient to justify the legal inference, he is entitled to his discharge. Rex *v.* Brown, 8 Term Reports, 26. Equally defective, I presume, would it have been if the warrant had stated a conviction of the party as being "a rogue and vagabond," without more. If Commissioners commit a bankrupt for a contempt in not answering questions, this Court would discharge him if the questions were not specified, so that the Court might judge of their legality. By two Judges, in *Ex parte* Leeke, 9 Barnewall & Cresswell, and in Goff's case, 3 Maule & Selwyn, 203 (hereafter more fully noticed), a warrant of commitment for not accounting and paying over money, directing the party to be kept "till discharged by due course of law," would, it seems, have been held bad, if it had not been supported by previous parts of the warrant. If, as contended for in the argument for the plaintiff, convenient certainty as to the place where and the time during which the custody is to be, are requisite in order to make a warrant legal, that object seems to be imperfectly forwarded by the statement, "that the party should be kept during the pleasure of the House." What would be thought of a magistrate's warrant, however in all other respects unexceptionable, which should direct a commitment during the pleasure of any man or set of men whatsoever? Yet the Speaker's warrant, in the form above set forth, was sustained by this Court, and the parties applying for liberation remanded, and that, too, under circumstances which, if any such case can ever exist, would have led to an examination of it with the greatest anxiety and jealousy; and not only was such the decision of this Court, but all doubt may be considered at an end by the questions proposed by, and the answers given to, the House of Lords, in the case of Burdett *v.* Abbot, 5 Dowl.

I come now to the allegation in the plea above set forth; and I believe it is considered that the words, "the Speaker, in pursuance of the said last-mentioned order, and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, by his warrant duly made, did require and authorize the said Serjeant to take into custody the body of the plaintiff," simply mean that the Speaker did in fact make his warrant. I confess, however, that I entertain some doubt whether the allegation ought to be so restrained, or whether it is not also descriptive of the nature and quality of that warrant; that is, whether it is not to be understood from the allegation that the warrant was in such form as, according to the usages of the House and the law of Parliament, had been in like cases issued by the Speaker to bring a party in custody before the House; and if so, I should also doubt whether such allegation so understood would not at once have closed the question, upon the ground that the House of Commons is competent to regulate the forms of its own proceedings, and is the sole judge of them. In the case *Ex parte* Smyth, 3 Adolphus & Ellis, 719, and 2 Crompton, Meeson & Roscoe, 754, it appeared that the Judicial Committee of the Privy Council had ordered Smyth to appear "absolutely." Of this order Smyth complained, and applied for a prohibition both to this Court and to the Exchequer. Both Courts upon the hearing considered the question in the same manner: Was the case within the jurisdiction of the Court below? If so, the inquiry is at an end, for the complaint respects the conduct of the cause in that Court, and with its practice we will not interfere; and this too in the case of an inferior Court. It is unnecessary, however, to pursue this part of the subject further, or to pronounce any decisive opinion upon it, because in another view the warrant may in my opinion be sustained; and even if it ought to be examined in the manner contended for by the plaintiff, it is good and sufficient in law.

Upon this part of the case two questions, as it seems to me, arise: 1st, whether the recital in the warrant may be resorted to, in order to explain and support the mandatory part? and 2d, if it may, whether such recital be sufficient for the purpose?

Now upon the first question, Goff's case, above referred to generally, has a strong bearing. It is indeed decisive to show that previous matter may have the effect of explaining and rectifying in a warrant what would otherwise be imperfect and erroneous. Goff was committed by warrant of two justices, for that he, being

Judgment.

15 May 1845.

Mr. Justice *Williams.*

being collector of rates for the parish of Richmond under 23 Geo. 3, cap. 41, refused to pay over monies collected by virtue of the Act, to W. S.; and the justices adjudged that he should be committed to gaol, there to remain until he should account and pay over the monies to the said W. S. They then required the keeper of the gaol to receive and keep him "until he should be discharged by due course of law." For this fault and the uncertainty of the latter part of it, the warrant was objected to, and the cases of commitments by Commissioners of Bankrupt, which had therefore been ill, were cited; and those cases were not questioned in the argument, but reliance was placed on the previous part of the warrant, and especially the adjudication that Goff should be committed until he accounted and paid; and it was contended that the conclusion ought to be construed with reference to that which precedes it, and so be sustained. And per Lord Ellenborough, "coupling the premises with the conclusion, is it not, in effect, the same as if the warrant had directed the gaoler to detain the party till he had accounted? We must read the warrant as if the magistrates had, in the conclusion, recited over again the adjudication." The prisoner was remanded. The principle of this case has since been recognized by the Court of Exchequer, Coster *v.* Wilson, 3 Meeson & Welsby. It cannot indeed be said that the previous matter in Goff's case is in kind the same as that which I am about to notice in the present; but the principle of reference for the purpose of sustaining the warrant is, I think, thereby established.

Upon the second question proposed, a few remarks will suffice: the warrant recites an order that the plaintiff "should be sent for in the custody of the Serjeant-at-arms." Now, what is the meaning of "sent for in custody?" or rather, what can it be but that the plaintiff was to be "brought before the House in the custody of the Serjeant-at-arms?" and if so, "coupling the premises with the conclusion" (according to Lord Ellenborough), what can be a more reasonable interpretation than that the warrant being to take the plaintiff into custody, it ought to be understood, by aid of the recited order, as directing "to take him into custody for the purpose of bringing him before the House;" and if so, the warrant, in my opinion, is perfectly legal. In the case of a warrant of commitment by the Speaker of the House of Commons, a resolution that the party has been guilty of a contempt is requisite, but not any specification of the nature of that contempt; and as we have already seen, neither the time during which, nor the place where, the imprisonment is to be, need be stated. Moreover, a contempt in fact may have been committed or it may not; nothing appears, but credit is given (which in the case of an inferior jurisdiction would not be) to the House of Commons, that they would not commit without a sufficient cause; at all events, this Court cannot inquire in such case: and why not the intendment also be made in the present instance, that the House of Commons ordered that the plaintiff should "be sent for in the custody of the Serjeant-at-arms," or (as I think it must be understood) "brought before the House" in that custody, for some good and sufficient cause? for surely there may be many such: that seems to me scarcely a more forced supposition than that a contempt has been in fact committed, though none appears.

It remains that I should add a few words upon a point connected with this part of the case, briefly touched upon already, but requiring, perhaps, some further notice. It was contended in argument, that the only unobjectionable course for the House to pursue, was to adjudge the party guilty of a contempt, and commit him accordingly. I cannot accede to this argument. I think that having ordered the attendance of the plaintiff as a witness, of the fitness of which the House of Commons alone had the competence to judge, they might, upon his wilful default, compel his attendance to answer for that default, and upon that attendance make such order respecting him as to the House might seem meet. If a witness, having notice that the House had ordered his attendance, disobeys, no further order, in the shape of a second notice, is necessary. Even in the case of Commissioners of Bankruptcy, if the bankrupt refuses to attend, no second summons is necessary before a warrant of commitment issues, but such warrant may go at once; 16 Vesey, *Ex parte* Linthwaite; and Battye *v.* Grisley, 8 East. Then what is the difference, so far as the party affected is concerned, between the two modes of proceeding? If the party be committed for a contempt during the pleasure of the House, his chance of liberation depends upon his appearing and submitting to do what is required. If the course be pursued (as here) of ordering him to be brought in custody before the House, his opportunity of making such amends as may lead to his deliverance is more immediate; and so far this course is more

beneficial

beneficial to him. If upon any given state of facts, a person may be sent to prison for contempt, surely he may be brought before the House, whereby he may avoid being sent to prison at all. The power in each case seems to me to be precisely similar, and to depend upon the same principle, the necessity of vesting such power in the House of Commons for the sake of the public interest and welfare.

Judgment.

15 May 1845.

Upon the whole my opinion is, that the judgment should be for the defendant.

Lord *Denman* :—The case, notwithstanding the length of the argument and the weight of the matters discussed, appears to me to lie in a very narrow compass. The defendant justifies the imprisonment of the plaintiff under the warrant of the Speaker of the House of Commons, which directed the defendant to take the plaintiff into custody, after reciting that his presence had been required in the House by an order of the House, of which order the plaintiff had notice, but to avoid obedience to which he contemptuously concealed himself. There was no necessity for authorities to show the power of either House of Parliament to commit for a contempt; that power, which they possess in common with all the superior Courts, was fully recognized in Stockdale *v.* Hansard, and was acted upon in a proceeding which grew out of that case, and is reported in 11 Adolphus & Ellis; Regina *v.* The Sheriff of Middlesex. That power, indeed, was neither directly nor indirectly questioned by the learned counsel for the plaintiff on the present occasion. The privilege of Parliament to prosecute all inquiries which they deem necessary for the discharge of their high duties, was also admitted without dispute, and the power, consequently, to compel the attendance of all persons whom they may require for such purposes.

Lord *Denman*.

Some doubt has been strongly and eloquently stated on the power to order a person to be brought before the House in custody, in the first instance, or, at least, without apprizing him of the reason for requiring his attendance. But I confess that it would rather appear to me, though sensible of the weight of these considerations, that as the exercise of their privilege of inquiry may obviously be wholly defeated by delay, it may be necessary to secure such attendance by coercive measures and without explanation, and that of that necessity the House alone can judge.

But the defendant rests his justification on higher grounds, and puts foremost in the points to be argued a much more extensive principle. The defendant, he says, being an officer of the House of Commons, is protected by an order of the House, directing him to do to the plaintiff the identical act complained of; such an order, of itself and without more, is an answer to the action. Now this is the leading proposition maintained by the defendant in the case of Stockdale *v.* Hansard, and it was upon examination deliberately denied by the unanimous judgment of this Court. To the doctrine established by that judgment I fully adhere, unquestioned as it has been in any Court of Error; strictly conformable, as I am firmly convinced, of the principles of our law, and essential to the existence of a free constitution.

Holding, therefore, that the mere order of the House of Commons does not of itself legalize whatever it may enjoin, whether executed by its own officer or by any other person, I must reject this ground of defence. On the contrary, I hold that this Court is not at liberty to decline the jurisdiction of examining the grounds on which the imprisonment of any one of our fellow subjects may be justified; whatever the dignity or power of those who may have caused his imprisonment, whether it be questioned in an action for damages, or on a return to a *habeas corpus*, or in the more solemn inquest that may be conducted in a criminal court in a case of life and death, where homicide may have resulted from enforcing or opposing the order, and the Judge may be compelled to decide on its legality.

If, in the performance of this duty, I find the defendant justified by an order of the House of Commons, either convicting or punishing the plaintiff for a contempt, or made for the purpose of bringing the plaintiff before them for the necessary exercise of their privileges, the defendant will be of course entitled to our judgment. Here, however, it is unfortunate that serious objections are urged against the warrant set forth in the plea. It recites that the plaintiff's presence had been required in the House of Commons; that he had notice of their resolution to that effect, and the order thereupon made, but that he contemptuously concealed himself to avoid obedience to it; and then the resolution that he should be sent for, and brought before the House of Commons, and "that Mr. Speaker do issue his warrant

Judgment.

15 May 1845.

Lord *Denman.*

warrant accordingly." Whereupon the Speaker, in order that the plaintiff might be brought before the House in the custody of the Serjeant-at-arms according to the order and resolution aforesaid, by his warrant, reciting that the House had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-arms, did require and authorize that officer to take into custody the body of the plaintiff. Here the warrant ends; under it the arrest and detention of the plaintiff are justified.

This instrument must be considered as a committal for contempt, or as a means of compelling the plaintiff's attendance in the House of Commons, or perhaps as both. In both points of view it is said to be essentially defective, for omitting to state the object and end for which it was issued. If it were to enforce sentence of contempt, the plaintiff's learned counsel insisted that some limit to that imprisonment ought to appear in it. If the intention was only to bring him before the House, that intention, it was said, ought to be disclosed. The officer, it was contended, is bound to look no further than the direction in the warrant, and that places him in the officer's custody without any intimation how long or for what purposes the prisoner is to be detained. The prisoner, it was also contended, has a right to see the warrant that he may submit to it, if lawful; but however sensible of the obligation to submit to the authority of the House, he would not be bound to undergo an imprisonment at the discretion of the officer, to whom the House has not delegated such discretion; for the Speaker's warrant was likewise impeached, as not pursuing the resolution on which it professes to be founded, but which only directed that the plaintiff should be brought "before the House of Commons."

The objections were met in various ways. First, it was said that the resolution set forth in the plea, that the plaintiff should be brought before the House, may be incorporated into the warrant which requires the Serjeant to take him into custody. But at common law every warrant must speak for itself, and must show two things; a good cause for depriving the party named of his liberty, and some lawful period for his confinement. "The warrant," says Lord Coke, "containing a lawful cause, ought to have a lawful conclusion." This is repeated by Lord Hale and all the text-writers, and it is well established by numerous authorities. Lord Chief Justice Holt asserted this principle in Bray's case; so did Lord Ellenborough in Goff's case; the whole Court in Lord Tenterden's time, in Groom *v.* Forrester; and the Court of Exchequer recently, in the case of Daniel *v.* Philips. In the last-mentioned case Mr. Baron Parke expresses himself in the very words of Chief Justice Holt: "The cause of commitment ought to be certain, to the end that the party may know for what he suffers, and how he may regain his liberty." The learned Baron proceeds, "and if it be not, it is not only a ground for discharging the party, but the warrant is void and no justification in an action of false imprisonment." He adds the following sentence, after citing Groom *v.* Forrester: "contrary to the dictum of Lord Holt in Bracy's case." I must, however, here remark, that Groom *v.* Forrester, far from professing to overrule the opinion of Lord Holt, proceeds on the authority of his decision in Bracy's case; taking no notice of this supposed dictum, or of the inaccurate reporter on whose single statement it rests; a dictum unnecessary to the decision and plainly repugnant to it in principle, as well as to Lord Holt's known opinion. It is mentioned by Comberbach that an action had been talked of, and we may well suppose that Lord Holt would be desirous of discouraging so vexatious a proceeding for a mere slip in the officer, and that his language was misconstrued into an opinion that no action could be maintained.

From this ancient and indisputable principle, it follows that a bad warrant cannot be eked out by a more regular and formal conviction; or rather, indeed, it is the same principle. It required no authority; but there is a decision on the very point in 2 Bingham, in the case of Weeks *v.* Clutterbuck. Goff's case does not appear to me inconsistent, for there Lord Ellenborough distinctly lays down this principle: "If there had been any uncertainty on the face of the warrant, I should have agreed with the argument; but coupling the premises with the conclusion, is it not in effect the same as if the warrant had directed the gaoler to detain the party till he had accounted? We must read the warrant," he says, "as if the magistrates had, in the conclusion, recited again the adjudication." Justice Le Blanc observed, "When the party has paid over the money, he will be entitled to be discharged by due course of law." That is, the warrant itself both indicates a conclusion of the imprisonment, and the party's discharge by due course of law, which, though vicious as too general, if it stood alone, receives an explanation from

Judgment.

15 May 1845.

Lord *Denman.*

from the other words in the same warrant, showing that his accounting, in conformity to his duty, is the means of such discharge. But the warrant before us has no conclusion whatever, and, even if it justified the arrest (which is questioned on other grounds), cannot justify any of the ulterior proceedings against the plaintiff.

I apprehend that the goodness of a warrant in respect of its contents is wholly independent of the authority from which it proceeds. However dignified and powerful the body which sends forth process, that process must be consistent with itself and with the law, in order to defend the officer who acts upon it. There is no disrespect to the high Assembly with which this matter originated, in applying the same rules of construction to the instrument by which it acts, as to those that may be issued by an ordinary justice of the peace. It is impossible to make the distinction; the magistrate is as absolute, while exercising his jurisdiction, as an Act of Parliament can make him: a recent Act has, in certain cases, permitted him to avail himself of a good conviction where a commitment would otherwise have been imperfect; but that Act proves what the common law was, and has no application to the present case.

There is a general averment in the plea that the acts complained of were done in accordance with the ancient usages and privileges of the House, and the law and custom of Parliament; and the plaintiff is said to have admitted this as a fact, by demurring. But I am of opinion that this would give too extensive an effect to admissions by demurrer, which ought to be rigidly confined to what the rules of construction require, especially when the averment is ambiguous, and the fact is not peculiarly within the knowledge of the party. The averment here will be satisfied by being interpreted with reference to the mere issuing of the warrant; we cannot suppose either that the defendant claims for the House of Commons the privilege of issuing a bad warrant, or that the party questioning the conduct of its officer admits such privilege.

The point lastly stated for argument on behalf of the defendant is, that the Speaker's warrant issued in a case where the House of Commons had jurisdiction; and the Courts of Common Law have no right or power to inquire into the formal mode in which they have proceeded. But the answer is, that we are inquiring not how the House proceeded, but how the officer acted. The view that I take steers clear of all collision with any privilege of the House, except that large and general one to which I first adverted, and renders it unnecessary to consider the other objections to the plea. And though the objections to this warrant may, at first sight, appear of a technical nature, they will be found, on consideration, to involve principles of vital importance to the liberty of the subject. For the reasons that I have given, I think the plaintiff is entitled to our judgment.

Judgment for the Plaintiff.

PRINTED PAPERS.

Copy of Short-hand Writer's Notes of the Arguments and Judgment in the Case of *Howard* and *Gosset*.

(Mr. Solicitor-General.)

Ordered, by The House of Commons, *to be Printed,*
20 *May* 1845.

Price 1*s.* 3*d.*

305.

Under 20 *oz.*

SPEAKER'S WARRANT

FOR

APPREHENSION OF THOMAS BURTON HOWARD.

Martis, 4 die Februarii, 1840.

WHEREAS the House of Commons have this day ordered that *Thomas Burton Howard* be sent for, in the custody of the Serjeant-at-Arms attending this House:

These are therefore to require you to take into your custody the body of the said Thomas Burton Howard. And all Mayors, Bailiffs, Sheriffs, Under-Sheriffs, Constables, Headboroughs, and other Officers are hereby required to be aiding and assisting to you or your Deputy in the execution thereof.

For which this shall be your sufficient Warrant.

Given under my hand, this 4th day of February 1840.

(signed) *Charles Shaw Lefevre*,
Speaker.

To the Serjeant-at-Arms
attending the House of Commons.

SPEAKER'S WARRANT

FOR APPREHENSION OF

THOMAS BURTON HOWARD.

(Mr. Solicitor-General.)

Ordered, by The House of Commons, *to be Printed,*
29 *May* 1845.

336.

PRINTED PAPERS.

RETURN to an ORDER of the Honourable The House of Commons, dated 19 May 1845;—*for*,

COPY "of the RECORD in the Case of *Howard* and *Gosset*, in the COURT of QUEEN'S BENCH."

Ordered, by The House of Commons, *to be Printed*, 29 *May* 1845.

IN THE QUEEN'S BENCH.

HOWARD v. *GOSSET.*

The 24th day of February, in the year of our Lord 1843.

Middlesex, to wit. *Thomas Burton Howard*, the plaintiff in this suit, by Thomas Howard, his attorney, complains of Sir William Gosset, knight, who has been summoned to answer the said plaintiff by virtue of a writ issued on the 19th day of November, in the year of our Lord 1842, out of the Court of our Lady the Queen, before the Queen herself, at Westminster, in an action of trespass; for that the defendant, on the 6th day of February, in the year of our Lord 1840, with force and arms, &c., assaulted the plaintiff, and then seized and laid hold of him, and forced and compelled him to go in and along a certain passage to a certain room, and afterwards in and along a certain other passage to a certain other room, and then imprisoned the plaintiff for a long time, to wit, for the space of two hours then next following, and then forced and compelled him to return through and along the first-mentioned passage into the said first-mentioned room, and there kept and detained him for a further long space of time, to wit, for the space of two hours then next following, contrary to law and against the will of the plaintiff, whereby the plaintiff was greatly exposed and injured in his credit and circumstances, and other wrongs to the plaintiff then did against the peace of our Lady the now Queen, and to the damage of the plaintiff of 200 *l.*, and thereupon he brings suit, &c.

The 13th day of April, in the year of our Lord 1843.

Pleas. And the defendant, by Cobbett Derby, his attorney, says, that before and at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned a Parliament of our Sovereign Lady the Queen was holden at Westminster in the county of Middlesex, and was sitting there at the said time when, &c., and during all the time in the declaration and in this plea mentioned; and the defendant further says, that shortly before the said time when, &c., to wit, on the 27th day of January, in the year of our Lord 1840, certain matters and things came on to be discussed and debated, and were under discussion and debate in the said House of Commons, in respect of and concerning which it was considered by the said House of Commons to be necessary that the plaintiff should be questioned and examined at the Bar of the said House; and thereupon and for the purpose of procuring the attendance of the plaintiff, to be examined at the Bar of the said House of Commons touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, ordered by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith, of which said order the plaintiff afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, had notice. And the defendant further says, that the plaintiff did not nor would attend the said House of Commons, in obedience to the said order, but wilfully and contemptuously, without any reasonable cause or excuse in that behalf, wholly neglected and refused to do so, and disregarded the said order, and also for a long space of time, to wit, from the day and year last aforesaid until the said time when, &c., concealed and absented himself for the purpose of avoiding the attending the said House of Commons, in obedience to the said order, of all which premises the said House of Commons afterwards, to wit, on the 4th day of February in the year aforesaid, was informed and had notice. And the defendant further says, that thereupon and in order to compel the attendance of the plaintiff at the Bar of the said House of Commons, to be questioned and examined there touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, ordered and resolved by the said House of Commons, in pursuance of and according to the ancient

usages and privileges of the said House of Commons, and the law and custom of Parliament, as follows: that is to say, that the plaintiff should be sent for and brought before the said House of Commons, in the custody of the Serjeant-at-Arms attending the said House of Commons; and that the Speaker of the said House of Commons should issue his warrant accordingly: whereupon the Right Honourable Charles Shaw Lefevre, then being the Speaker of the said House of Commons, in pursuance of the order and resolution hereinbefore last mentioned, and in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Serjeant-at-Arms of the said House before the said House, according to the order and resolution last mentioned, for the purpose aforesaid, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, did require and authorize the Serjeant-at-Arms then attending the said House of Commons to take into custody the body of the plaintiff. And the defendant further says that he, the said defendant, then (to wit, on the day and year last aforesaid) was the Serjeant-at-Arms attending the said House of Commons, and that the said warrant was afterwards, and before the said time when, &c. (to wit, on the day and year last aforesaid) duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms as aforesaid, to be by him executed in due form of law; by virtue of and in execution of which said warrant the defendant, as such Serjeant-at-Arms as aforesaid, afterwards and at the said time when, &c. in the declaration mentioned, gently laid his hands upon the plaintiff to arrest him and take him into custody, and did then arrest him by his body, by virtue of and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively, to the said several rooms in the declaration mentioned respectively, using no unnecessary violence to the plaintiff in that behalf, and did then necessarily imprison the plaintiff and keep and detain him, for and during the said several times in the declaration mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might, for the causes aforesaid, which are the said several supposed trespasses in the declaration respectively mentioned, and of which the plaintiff hath above thereof complained against the defendant; and this the defendant is ready to verify.

Second Plea.

And for a further plea in this behalf, the defendant says that before and at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, a Parliament of our Sovereign Lady the Queen was holden at Westminster, in the county of Middlesex, and was sitting there at the said time when, &c. and during all the time in the declaration and in this plea mentioned. And the defendant further says, that shortly before the time when, &c., to wit, on the 27th day of January in the year of our Lord 1840, certain matters and things came on to be discussed and debated, and were under discussion and debate in the said House of Commons, in respect of and concerning which it was considered by the said House of Commons to be necessary that the plaintiff should be questioned and examined at the Bar of the said House; and therefore, and for the purpose of procuring the attendance of the plaintiff to be questioned and examined at the Bar of the said House of Commons, touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c., to wit, on the day and year last aforesaid ordered by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith; of which said order the plaintiff afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, had notice. And the defendant further says, that the plaintiff did not nor would attend the said House of Commons in obedience to the said order, but wilfully and contemptuously, without any reasonable cause or excuse in that behalf, wholly neglected and refused to do so, and disregarded the said order, and also for a long space of time, to wit, from the day and year last aforesaid until the time when, &c. concealed and absented himself for the purpose of avoiding the attending the said House of Commons in obedience to the said order; of all which premises the said House of Commons afterwards, to wit, on the 4th day of February in the year aforesaid, was informed and had notice. And the defendant further says, that thereupon and in order to compel the attendance of the plaintiff at the Bar of the said House of Commons, to be examined thereby touching and concerning the matters and things aforesaid, it was afterwards and before the said time when, &c. to wit, on the day and year last aforesaid, ordered and resolved by the said House of Commons, in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, as follows; (that is to say), that the plaintiff should be sent for and brought before the said House of Commons in the custody of the Serjeant-at-Arms attending the said House of Commons, and that the Speaker of the said House of Commons should issue his warrant accordingly; whereupon the Right Honourable Charles Shaw Lefevre, then being the Speaker of the said House of Commons, in pursuance of the said order and resolution hereinbefore last mentioned, and in pursuance of and according to the ancient

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usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Serjeant-at-Arms of the said House before the said House, according to the order and resolution last mentioned, for the purpose aforesaid, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House of Commons, did require and authorize the Serjeant-at-Arms attending the said House of Commons to take into custody the body of the plaintiff. And the defendant further says, that he the said defendant then, to wit, on the day and year last aforesaid, was the Serjeant-at-Arms attending the said House of Commons, and that the said warrant was afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms aforesaid, to be by him executed in due form of law. And this defendant further says, that after the said warrant had been so delivered to him as aforesaid, and before the execution of the same by him as hereinafter mentioned, to wit, just before the said time when, &c. in the declaration mentioned, the said plaintiff was and was found by him the defendant within that part of Her Majesty's Palace at Westminster which then was appropriated to and used by the said House of Commons, and that the plaintiff remained and continued there until the said time when, &c. in the declaration mentioned. And the defendant further says, that by virtue of and in execution of the said warrant, the defendant, as such Serjeant-at-Arms as aforesaid, afterwards and at the said time when, &c. in the declaration mentioned, gently laid his hands upon the plaintiff so then still being and being found by him within the said part of Her Majesty's said Palace at Westminster aforesaid, to arrest him and take him into custody, and did then arrest him by his body by virtue of and in execution of the said warrant; and did then, in order to bring the plaintiff before the said House of Commons in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively, to the said several rooms in the said declaration mentioned respectively, using no unnecessary violence to the plaintiff in that behalf, and did then necessarily imprison the plaintiff, and keep and detain him for and during the several times in the declaration mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might for the causes aforesaid, which are the said several supposed trespasses in the declaration respectively mentioned, and of which the plaintiff hath above compained against the defendant, and this the defendant is ready to verify.

Third Plea.

And for a further plea in this behalf the defendant says, that before and at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, a Parliament of our Sovereign Lady the Queen was holden at Westminster, in the county of Middlesex, and was sitting there at the said time when, &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, and that shortly before the said time when, &c. to wit, on the 27th day of January in the year or our Lord 1840, it was ordered by the House of Commons of the said Parliament, in pursuance of and in accordance with the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith, upon and to answer a charge which had shortly before been made against the plaintiff in the said House of Commons, that he the said Plaintiff had shortly before the last-mentioned day, to wit, on the 24th day of January, in the year aforesaid, committed and been guilty of a breach and contempt of the privileges of the said House of Commons, of which said order of the said House of Commons the plaintiff afterwards, to wit, on the day and year last aforesaid, had notice. And the defendant further says, that the plaintiff did not nor would attend the said House of Commons in obedience to the said order, but wholly neglected and refused to do so, and wilfully and contemptuously and without any reasonable cause or excuse in that behalf, disregarded the said order, and for a long space of time, to wit, from the day and year last aforesaid, until the said time when, &c. in the declaration mentioned, concealed and secreted himself for the purpose of evading and avoiding the attending the said House of Commons, in obedience to the said order, of all which said several premises the said House of Commons afterwards, to wit, on the 4th day of February, in the year aforesaid, was informed and had notice; and thereupon afterwards, to wit, on the day and year last aforesaid, it was ordered and resolved by the said House of Commons in pursuance of and in accordance with the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, in order to compel the attendance of the plaintiff, for the purpose hereinbefore mentioned, as follows; that is to say, that he the plaintiff should be sent for and brought before the said House of Commons, in the custody of the Serjeant-at-arms attending the said House of Commons, and that the Speaker of the said House of Commons should issue his warrant accordingly. Whereupon the Right honourable Charles Shaw Lefevre, then being Speaker of the said House of Commons, in pursuance of the order and resolution last-mentioned, and in pursuance of and according to the ancient usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards, to wit, on the day and year last aforesaid, in order that the plaintiff might be brought in the custody of the Serjeant-at-Arms of the said House, before the said House, according to the order and resolution last mentioned,

mentioned, and for the purpose aforesaid, by the said warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House, did require and authorize the Serjeant-at-Arms then attending the said House of Commons to take into his custody the body of the plaintiff. And the defendant further says, that he the said defendant then was the Serjeant-at-Arms attending the said House of Commons, and the said warrant was afterwards, and before the said time when, &c., to wit on the day and year last aforesaid, duly delivered by the said Speaker to the defendant so then being such Serjeant-at-Arms as aforesaid, in order that he the defendant might and should execute the said warrant in due form of law; by virtue of and in execution of which warrant, the defendant, as such Serjeant-at-Arms as aforesaid, afterwards, to wit, at the said time when, &c. in the declaration mentioned, gently laid his hands upon the said plaintiff to arrest him and take him into custody, and did then arrest him by his body by virtue and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively to the said several rooms in the declaration mentioned respectively, using no unnecessary violence to the plaintiff in that behalf, and then necessarily imprisoned the plaintiff and kept and detained him for the said several times in the declaration above mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence, and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might for the causes aforesaid, which are the said several supposed trespasses in the said declaration respectively mentioned, and of which the plaintiff hath above complained; and this the defendant is ready to verify, &c.

Fourth Plea.

And for a further plea in this behalf the said defendant says, that at the said time when &c. in the declaration mentioned, and during all the time in the declaration and in this plea mentioned, a Parliament of our Sovereign Lady the Queen was holden at Westminster, in the county of Middlesex, and was sitting there at the said time when, &c., and during all the time in the declaration and in this plea mentioned. And the defendant further says, that shortly before the time when, &c., to wit, on the 27th day of January, in the year of our Lord 1840, it was ordered by the said House of Commons, in pursuance of and according to the ancient usage and privileges of the said House of Commons, and the law and custom of Parliament, that the plaintiff should attend the said House of Commons forthwith; of which said order the plaintiff afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid had notice. And the defendant further says, that the plaintiff did not, nor would attend the said House of Commons in obedience to the said order, but wilfully and contemptuously, without showing or causing to be shown to the said House of Commons any reasonable cause or excuse in that behalf, wholly neglected and refused to do so; of all which premises the said House of Commons afterwards, to wit, on the 4th day of February in the year aforesaid, was informed and had notice. And this defendant further says, that thereupon, and in order to compel the attendance of the plaintiff at the bar of the said House of Commons, it was afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, ordered and resolved by the said House of Commons, in pursuance of and according the ancient usages and privileges of the said House of Commons and the law and custom of Parliament, as follows (that is to say), that the plaintiff should be sent for and brought before the said House of Commons, in the custody of the Serjeant-at-Arms attending the said House of Commons, and that the Speaker of the said House of Commons should issue his warrant accordingly; whereupon the Right Hon. Charles Shaw Lefevre, then being the Speaker of the said House of Common, in pursuance of the said order and resolution hereinbefore last mentioned, and in pursuance of and according to the usages and privileges of the said House of Commons, and the law and custom of Parliament, afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, in order that the plaintiff might be brought before the said House of Commons, in the custody of the said Serjeant-at-Arms, according to the order and resolution last mentioned, by his warrant in that behalf duly made, after reciting therein that the said House of Commons had that day ordered that the plaintiff should be sent for in the custody of the Serjeant-at-Arms attending the said House of Commons, did require and authorize the Serjeant-at-Arms then attending the said House of Commons to take into custody the body of the plaintiff. And the defendant further says, that he the said defendant then, to wit, on the day and year last aforesaid, was the Serjeant-at-Arms attending the said House of Commons, and that the said warrant was afterwards, and before the said time when, &c., to wit, on the day and year last aforesaid, duly delivered by the said Speaker to the defendant, then being such Serjeant-at-Arms as aforesaid, to be by him executed in due form of law; by virtue and in execution of which said warrant the defendant, as such Serjeant-at-Arms as aforesaid, afterwards, and at the said time when, &c. in the declaration mentioned, gently laid his hands upon the plaintiff to arrest him and take him into custody, and did then arrest him by his body by virtue of and in execution of the said warrant, and did then, in order to bring the plaintiff before the said House of Commons, in execution of and in obedience to the said warrant, necessarily force and compel the plaintiff to go in and along the said several passages in the declaration mentioned respectively, to the said several rooms in the said declaration mentioned respectively, using no unnecessary violence to the plaintiff

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in that behalf; and did then necessarily imprison the plaintiff, and keep and detain him for and during the several times in the declaration mentioned respectively, until the defendant could bring the plaintiff before the said House of Commons, in obedience to the said warrant, the same being reasonable times in that behalf respectively, using no unnecessary violence and doing no unnecessary damage to the plaintiff in that behalf, as the defendant lawfully might, for the causes aforesaid, which are the said several supposed trespasses in the declaration respectively mentioned, and of which the plaintiff hath above complained against the defendant, and this the defendant is ready to verify.

(signed) *H. Waddington.*

The 22d day of December, in the year of Our Lord 1843.

Demurrer.

And the plaintiff says, that the said first plea of the defendant is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said plea attempted to be justified; and also for that the said first plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant, or proceeding known to or recognized by the law, or for what or why the said plaintiff should or ought to have attended the said House of Commons, or state or show particularly the nature of the matters or things with respect to which the plaintiff was to appear and be examined before the said House of Commons, so as to enable the Court to judge of the necessity of such appearance and examination, or of the legality of said order for plaintiff's appearance and examination, or for what or why he was to be amenable to the jurisdiction of the said House of Commons, or that any act had been done or committed by said plaintiff to render it obligatory on him to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer on the said House any legal power to pass the resolution in the said first plea mentioned; nor does the said plea show any sufficient cause why said plaintiff was not legally entitled to conceal and absent himself, and avoid yielding obedience to such order or resolution, or why, because he did not attend the said House, he would be, according to law, liable to be apprehended under any warrant or authority from the said House; nor does said first plea state or show that said warrant contained any charge whatever against said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said first plea is in other respects uncertain and insufficient, &c.

And the plaintiff says, that the defendant's second plea is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said second plea attempted to be justified; and also for that the said second plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant or proceeding known to or recognized by the law, or for what or why the said plaintiff should or ought to have attended the said House of Commons, or state or show particularly the nature of the matters or things with respect to which the plaintiff was to appear and be examined before the said House of Commons, so as to enable the Court to judge of the necessity of such appearance and examination, or of the legality of said order for plaintiff's appearance and examination, or for what or why he was to be amenable to the jurisdiction of the said House of Commons, or that any or what act had been done or committed by said plaintiff to render it obligatory on him to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer on the said House any legal power to pass the resolution in the said second plea mentioned; nor does the said second plea show any sufficient cause why said plaintiff was not legally entitled to conceal and absent himself, and avoid yielding obedience to such order or resolution, or why, because he did not attend the said House, he would be, according to law, liable to be apprehended under any warrant or authority from the said House; nor does it appear, by the said second plea, how the presence of the plaintiff in the said part of Her Majesty's Palace at Westminster was any justification of the said trespasses charged in the declaration, or that the presence of the plaintiff there conferred, either of itself or in conjunction with the said order, resolution, and warrant, or either of them, any right or authority upon the defendant to commit the same, nor does the said second plea state or show that the said warrant contained any charge whatever against said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said second plea is in other respects uncertain and insufficient, &c.

And the plaintiff says, that the said third plea of the defendant is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said third plea attempted to be justified; and for that the said third plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant, or proceeding known to or recognized by the law, or for what or why the said plaintiff should or ought to have attended the said House of Commons, or upon what occasion or how the plaintiff had been guilty, or that the plaintiff had, in fact, been guilty of any contempt or breach of the privileges of the said House, or for what or why he was to be amenable to the jurisdiction of the House of Commons, or that any act had been done or committed by the said plaintiff to render it obligatory on him to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer upon the said House any legal power to pass the

said resolution in the said third plea mentioned; and for that the said third plea does not describe or state any particular contempt or breach of privilege, so that a court of law could pronounce any judgment upon the legal effect of such order or resolution, nor does the said third plea show any sufficient cause why said plaintiff was not legally entitled to conceal and secrete himself, and avoid yielding obedience to such order or resolution, or why, because he did not attend the said House, he would be, according to law, liable to be apprehended under any warrant or authority from the said House; nor does the said third plea state or show that the said warrant contained any charge whatever against said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said third plea is in other respects uncertain and insufficient, &c.

And the plaintiff says that the said last plea of the defendant is not sufficient in law, for that the same does not show or disclose any sufficient authority to have been possessed by the defendant for the committing of the trespasses in the declaration mentioned, and in the said last plea attempted to be justified; and also for that the said last plea, although it admits that the defendant committed the acts complained of by the plaintiff, yet does not show that the defendant was acting under any authority, process, warrant, or proceeding known to or recognized by the law, or for what or why the said plaintiff ought to have attended the said House of Commons, or the circumstances under which the said order was made, or shown any reason or authority for making the same, or for what or why the plaintiff was to be amenable to the jurisdiction of the said House of Commons, or that any act had been done or committed by the said plaintiff to render it obligatory on him to attend the said House, or to enable the said House to exercise any dominion or control over him, or to confer on the said House any legal power to pass the resolution in the said last plea mentioned; nor does the said last plea show why the plaintiff would be, according to law, liable to be apprehended under any warrant or authority from the said House because he did not attend the same; nor does the said last plea state or show that the said warrant contained any charge whatever against the said plaintiff, or show why or wherefore he was to be apprehended; and also for that the said last plea is in other respects uncertain and insufficient, &c.

C. Petersdorff.

The 23d day of January in the year of our Lord 1844.

Joinder in Demurrer.

And the said defendant says that the said first plea is sufficient in law. And the defendant says that the said second plea is sufficient in law. And the defendant says that the said third plea is sufficient in law. And the defendant says that the said last plea is sufficient in law.

But because the Court here are not yet advised what judgment to give of and upon the premises, a day is given to the parties aforesaid here, on the 19th day of April in the year of our Lord 1844, to hear judgment thereupon, for that the Court here are not yet advised thereof, &c.